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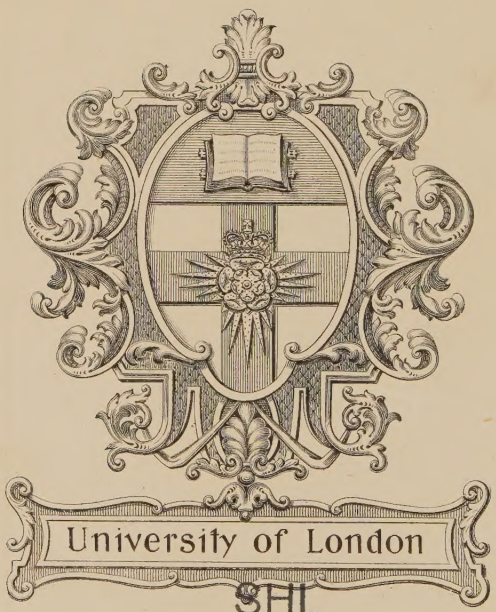

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The Economic Background of Devonshire Ports in the Middle Ages.

TRANSACTIONS

OF THE

ROYAL HISTORICAL SOCIETY

Fourth Series

VOLUME VIII

LONDON
OFFICES OF THE SOCIETY
22 RUSSELL SQUARE, W.1
1925

Made and Printed in Great Britain by Butler & Tanner Ltd., Frome and London

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PRESIDENTIAL ADDRESS

By the Hon. J. W. Fortescue, C.V.O., LL.D.

Delivered 12 *February*, 1925

I was reading the other day an essay by Sainte-Beuve in which he criticises the quality of the addresses delivered to the French Academy seventy years ago. "Too often," he says, "members send us dry notices, long shapeless biographies, stuffed with dates and quotations. I respect research, but not research that calls attention to itself. In these days the document dominates everything, and crushes down amenity and talent."

These sentences set me thinking. Our business lies wholly with documents, on paper, on parchment, on wood, stone and metal. What is a document? It is, I suppose, any means other than that of sound, gesture or signal whereby men communicate to each other their thoughts, their experience of the past, their hopes, wishes and intentions. Our function, I take it, is to seek out and interpret these documents for the instruction of our fellows, in order, if it may be, to guide them to a better understanding—I dare not say a right understanding—of the past.

In these days we are burdened by so vast an accumulation of documents that we are at a loss to know how to handle them. Men of great learning and experience, whom I hold in profound respect, say that the rank and file among us must devote ourselves to compilation of monographs upon

divers subordinate subjects, so that the higher commanders, so to speak, may find to their hand no disordered mass of material but a disciplined array. Some of our higher commanders have actually trained disciples to this work with good results. The papers read at our meetings are practically all of them monographs of this kind, perhaps no more than material for other monographs, but not on that account the less welcome. But I would emphasise the fact that every monographist, whether he or she likes it or not, must be not only an enquirer, a searcher, a transcriber, but also an interpreter.

And when the rank and file have done their work, and the commander-in-chief enters the field, not without first exploring every corner of it himself, his function again is not merely to marshal his facts but to interpret them. In what spirit is this interpretation to be undertaken? First, the critical faculty must be rigidly and mercilessly employed; the most searching tests must be applied to the writer of each document so as to take the measure of his veracity; and the resultant facts must be set down dispassionately and without prejudice as matters wholly external to the writer's personality. The spirit that informs the whole must be cold and scientific. The reader should never be able to divine from the text the status, profession, nationality, religious creed—and I suppose one ought to add the age and the sex—of the writer. The superstition that history is a form of literature must be rejected. The historian, *qua* historian, has nothing to do with literary form. His business is to set down facts plainly, unflinchingly and without any adornment that may distract the reader's judgment or awake his dormant prejudices. Thus may history "draw ever closer to those sciences which deal objectively with the facts of nature."

Now a document is a human production, a little scrap of human nature. It may be objected that there is little human nature in formal documents, such as deeds, the terms of which are repeated with little variation ten thousand times

over. Yet the wording of legal documents represents neither more nor less than the eternal effort of one class of persons to enforce obligations and of another class to evade them; and there is a deal of human nature in that. Moreover, though I have myself had no great commerce with deeds and grants and charters, I have twice myself observed human vanity peeping out unabashed from the parchment; and I have detected sundry human passions and defects in an Elizabethan muster-roll.

But take another kind of formal document which has been and still is repeated by the hundred thousand—naval and military commissions. A military officer receives a pleasant intimation that his inferiors in rank are bound to obey him. The naval officer is told that he must obey all that are set over him, "as you will answer the contrary at your peril." The terms of the one are gentle and confiding; the terms of the other are distrustful and minatory. Surely there is a deal of human nature here.

I need not multiply instances. Analyse any formal document—Dr. Hubert Hall has with excellent judgment printed a collection for us—and you will not find it difficult to detect the human nature that underlies it. Sometimes its manifestations seem simple and obvious enough; but more often they are complex and obscure. Let us revert to our commissions. Why the angry terms of the Naval Commission? Among the boards which were at one time charged with the administration of England, my own experience, for what it is worth, tells me that the Board of Admiralty was the most imperious and domineering. Why? I know enough of naval history to understand why the authorities at home wished to keep a very tight hand upon captains of the King's ships; but how far these authorities, when they settled the terms of a naval commission, were moved by zeal for the public service, and how far by envy, jealousy and greed, I should be very sorry to say. Are we to ascribe those terms to the whim of a single imperious, hot-tempered man, whose liver happened to be out

of order, or who wished to make himself obnoxious to some individual? Is the old domineering tradition of the Admiralty as I have seen it in the seventeenth century, due originally to the influence of a single overbearing, long-forgotten individual? Who can tell? There is a certain great regiment in which strong language is, for some reason, a part of the daily routine. How the practice originated I know not, but probably, for it is of some antiquity, it was introduced by a single commanding officer of great ability but with a turn for profane speech. If a regiment can be so influenced by tradition why not a Board?

And now passing away from formalities, about which I could discourse for a week, and from formal documents, let me come to those with which a great many more of us are concerned, the letters, despatches, narratives, reports, memoranda, notes, what not of individual men, from which we attempt to compile the history of some part of the events of the past. It has been said a hundred times, but I must repeat it, that the transactions recorded in these documents are, presuming the integrity of the writer, such as they appeared truly to him individually to be. They have, so to speak, been filtered through his mind or senses, or both; and the minds and senses of no two of us are alike. We agreed to call the sky blue and the grass green; but whether any two of us see exactly alike, no one can tell. In the matter of events—the more complex impressions upon mind and senses—the differences induced by the process, so to speak, of filtration, are infinitely subtler. Things that make a strong impression upon some minds and senses are absolutely rejected by others. It is a commonplace that the reports of two eye-witnesses of the same event never agree wholly upon every point. If two newspaper reports, say of a pageant, do not differ, you may be quite sure that they are drawn from a single source. As to scenes of excitement such as a battle, no man of experience will look for anything but a chaos of contradictions.

But granted that the document before us is the work of a

man who wants to tell the truth, his narrative is very often built, not solely upon his own observation and knowledge, but upon the observation and knowledge of others. He has received the filtrations of their minds, and subjected them to the further filtration of his own. Sometimes he sends the reports of his coadjutors, so that the recipient of his letter may pass them in independent filtration through his own mind; but, if he knows his coadjutors personally and the recipient of the letter does not, he should never fail to do his own share of filtration.

But even so there are endless complications. Say that there are two documents emanating from two secret agents in the same place—let us suppose Central Asia—and that the one is an Englishman and the other an Oriental, both honest and trustworthy men. Both may tell the absolute truth as each believes it to be; but their accounts are bound to differ, for the oriental mind is a sealed book to the western, and the western to the oriental.

Let us pass to another complication. A man is confronted, let us suppose in his official position, with some event or sequence of events which is quite outside his experience. A man of genius by his gift of insight may see clearly into the heart of such matters; but men of genius are very rare. The result is blind confusion. And matters which transcend a man's experience are not very rare, for they include all in which a woman takes a leading part. Let us suppose an English envoy at the Court of King Ahab, that he has secret knowledge of Jehu's conspiracy, and that the success or failure of that conspiracy may turn the whole course of English oriental policy. The incalculable factor would be of course Jezebel. Could any man guess that Jezebel in the midst of all the turmoil would paint her face, henna her eyes, and by a speech from a window undertake, now that Ahab was dead, to transfer her affections to Jehu? We are told, no doubt truly, that she failed; but we know not how near she may have gone to success.

So endless, in truth, are the complexities of human nature

that no two individuals of the same sex, not even two brothers, can rightly understand each other, while two individuals of opposite sexes cannot understand each other at all, in the sense of enjoying the same identical experience. Yet it is the records of such human creatures, filtrations of filtrations of divers human minds and senses *ad infinitum* that we poor people are called upon to filter once again through our own minds, and, having done so, to set down in a cold, scientific and impartial spirit the truth.

Is this not asking a good deal of us? Can one use the word science at all in such a connection? A document is a scrap of human nature or it is naught. The study of history is the study of human nature or it is naught; but the science of human nature is a thing which the best human brains have struggled for centuries to found in vain.

I have grave doubts whether we have yet rightly defined the functions of a historian. I am all for his giving endless pains to the searching out of facts and for his exercising his critical faculty to the utmost in the weighing of testimony. I am all for his setting down his facts impartially and without prejudice; I would by no means have him be an advocate, consciously or unconsciously, of any particular teaching, civil or religious; and I would condemn as heartily as anyone the suppression or falsification of evidence. But the crux of the whole question is how to train the critical faculty, how to arrive not merely at the facts but at the significance of the facts, how, in short, to interpret the human nature that is presented to us piecemeal in our documents.

We have to do with high potentates and mean criminals. We have to do with St. Anthonys and Don Juans, with Saint Catherines and Messalinas, with Akbars and debased Bourbons. We have to do with palaces and with hovels, with courts and with thieves' kitchens, with the works of man at their highest and their lowest, with the nature of man from its noblest to its meanest, with the mind of man from its greatest and soundest to that which is little removed from the insane. How are we to learn where, amid all their end-

less complexities, the truth is to be found? By hard reading, that is to say, by assimilating the filtrations of other minds? That will not teach us, to give but one example, what is the power of a great and charming personality—such a personality as that of Marlborough—nor what is the magic of persuasion that may be exerted by a woman's voice and a woman's eyes. By experience then? The life, for a time, of a rolling-stone, as it is called, among all sorts and conditions of men would no doubt be of uncommon worth to a historian, but whose life can embrace all experience? I myself, if a moment of egoism may be pardoned to me, spent ten years wandering, with seeming aimlessness, about the world, and never dreamed of touching historical research until I was five and thirty. No doubt if I had spent those ten years in study at a University I should be less miserably ignorant than I am of many things written in books, but for the purposes of my present work I have found every experience that I actually gathered during those ten years invaluable. A better man would have turned the time to even greater profit, for, to use Bagehot's phrase, experience is useless except to an experiencing nature. Macaulay, as he points out, wrote and spoke admirably about India long before he ever left the shores of England. He went out to India for three years, returned and again wrote about it, but no better than before; for his, as Bagehot says, was a singularly in-experiencing nature. Let us note in passing that Bagehot in his essay on Shakespeare emphasises the fact that he possessed the experiencing nature in the very highest degree.

Experience then must find a receptive soil, or it will be barren. What about scientific psychological training? I am told by one who has studied psychology deeply himself and devotes his life to this very training, that here again, as with experience, the seed needs the right soil before it can germinate. Some men may study psychology for ever, and never be a whit the wiser about their fellow-men. A historian worth the name must, it should seem, be born, not made.

What then is the quality that is specially demanded of the historian over and above conscientious study, industry and love of truth? I answer—imagination. Do not be frightened at the word, and above all do not mistake my meaning. Imagination must not be construed as synonymous with invention. Indeed it never can be pure invention; its purest invention being but transposition. Imagination, as understood strictly by the psychologist, is never a creative function. We have, as the Greeks taught us centuries ago, a twofold source of knowledge, the one through sensation or perception, the other through the intellect. The difference between the two is fundamental. By sensation, and by what is really its residue in consciousness, imagination, we grasp the particular, the event, the object, the thing as it transpires in the world of manifold reality. And, excepting the particular, by sensation and imagination we can grasp nothing. By the intellect, on the other hand, we grasp the general, the universal, never the particular. By intellect we apprehend the general idea of a king; but it is through sensation and imagination that we recreate Akbar, Catherine, Edward VII. We may by adding thought to thought, by piling up epithets and other devices endeavour by intellect to corner our quarry, the individual. But we cannot succeed. We are left with an "universal," a general figure or type of king, statesman, politician, who might recur a thousand times in history. We never get more than the *type* by this procedure; and our quest is the individual who, in all his complexity is found "one and once only," obstinately one in his solid singleness. By sensation and imagination, on the other hand, we grasp not only the colour of a sunset that may never, and indeed will never, recur in the long secular goings and comings of the sun, but also those individual traits and events which are necessarily one, unique and never general.

Imagination, therefore, I repeat, is never a creative function. It is wholly *re*-creative and *re*-productive. It is the power of bringing back to the senses the impression that

objects might give or have given. Obviously, therefore, the historian who would recreate or interpret the past must rely upon the only medium that is capable of producing that effect, imagination primarily, and not the generalising intellect. Imagination is consequently not merely invaluable but essential to the historian. The most austere representative of the most rigidly scientific school of history-writing must, whether he will or no, in great measure depend upon it. Moreover, there are original documents that take the coldest and most impassive by storm. In cold print there may be nothing very striking in an intercepted appeal for help from a beleaguered city, an imploring note from a prisoner dying by inches of maltreatment in the hands of savages, a letter which says that the writer is falling asleep as he writes after three days and nights of uninterrupted work, a report which mentions that the ink has frozen in the writer's pen, or that a shell has just burst in the house. But it is very different when the appeal is a scrap of paper covered with tiny writing and rolled up in a quill, when the imploring note reveals hand and brain quivering with weakness and suffering, when the weary man's pen shows a straggling dash as he fell asleep in spite of himself,'when an amorphous blot betrays the thawing of the frozen ink, and when deep stains of human blood on the paper confirm too truly the bursting of the shell. These are documents that have come under my own hand. Many of you could match them. Can you repress the working of your imagination as you pursue them ? Do you wish to do so ? Is there any reason why you should ? *Mentem mortalia tangunt.*

Let us then not be afraid of imagination. Rather let us welcome and cherish it. But let us not confuse imagination and imaginative writing. Writers of romance and fiction, not necessarily that which is called historical, sometimes claim that they are the true historians. When they distort, suppress or falsify historical facts, when they substitute inventions of their own which better suit their purpose, then we can dismiss them with a smile. But let not our smile be

too superior. Let us not disallow their claim too lightly. The human thing that counts in this world is personality, the thing which is withdrawn from us by death and, to our despair, is never reproduced exactly as it was, is personality. Where some master of romance sketches for us an intimate picture of some remarkable personality, is it not indelibly impressed upon us in despite of ourselves? Can we think of Richelieu or Mazarin wholly apart from Dumas, or of James I wholly apart from Walter Scott? I do not say that historians should emulate the methods of these writers, but I do say that, if they had equal powers of imagination, they would be all the better historians.

Let me now come to another point. History, we are told, is not necessarily a branch of literature. It is no part of a historian, as a historian, to clothe the story of human nature in a literary dress. That may be; and yet we are also told, quite rightly, that it is of the last importance for every citizen to study history and study it intelligently. Now it may be lamentable, but it is, I think, certain that the great majority of people will not read any story if it be dull. I think that there is a mistaken impression abroad that history is not to be taken seriously unless it be dull. It is supposed, in fact, that to be lively is to be unscientific; and hence it is concluded, quite wrongly in my opinion, that it is scientific to be dull.

Now dullness is, of course, a relative term; and what is dull to many is not dull to all. There are some of us who can read Calendars of State Papers, such as the Sixteenth Century Domestic and Venetian series, for hours with intense enjoyment. I myself have written a Calendar of Seventeenth Century State Papers, not nearly so interesting as these, with the keenest pleasure, and have felt a lump in my throat when the handwriting of some old friend ceases to be vigorous, becomes weak, and finally disappears, with a cold intimation in another hand that the old friend is dead. But that anyone else has shared my feelings, unless by imagination I contrived to impart them by two or three words—more

are rightly forbidden—in the preface, I cannot believe. A Calendar of Patent Rolls, I imagine, would interest but a small circle of readers, though there is plenty of human nature to be found there. And a dull story is in much the same case as a Calendar of Patent Rolls. It is not so much a story as *material* for a story. A scientific history constructed on the approved principles may be quite perfect, theoretically; but, if nobody reads it, its perfection will be thrown away. It will be neglected until someone assimilates it and presents it in a readable, which is to say a literary, form. That means that it must be filtered through yet one more mind of an infinite series, and its values—I use an artistic metaphor, values not value—destroyed.

Do let us remember that history is not only the story of human nature, but that it has to be imparted to creatures of human nature. In teaching children history we try, if we are wise, to give them such glimpses of human nature as they can understand. If in telling the story of Samuel to a child we omit the detail "Moreover, his mother made him a little coat," we sin, in my opinion, grievously. The detail may not be very important, historically, but a child recognises in it a link with human nature. And the ordinary adult equally calls for such links, relatively speaking, and unless he can get them he will not read history. To make the story of human nature in the past one with the human nature of the present is, to my mind, the true function of the historian; and he cannot do so acceptably without recourse to literary art.

For this reason, despite of the high authorities—to whom I bow very low—who have initiated what I may call the co-operative system, the concourse of many writers, in writing the history of some given period or nation, I do not feel at ease with its productions. I grant that it is very much to expect any one man to deal with vast subjects and long periods single handed. It means the consecration of a life-time to one huge task; the labour is immense; the pecuniary reward is infinitesimal. I admit also that any individual may change greatly in the course of a working life-time. Experiences

multiply. Wide and unsuspected vistas of the hitherto unknown are opened up by marriage, paternity, maternity and external accidents. Time mellows or embitters, in any case, matures for better or for worse. But still it is much that the material should be filtered through but a single mind, and very much that it should be worked up with unity of literary treatment. The mind may have its failings; the literary art its imperfections; but the book will be a real book, and will have serious and thoughtful readers. They will quickly apprehend the failings and, making allowance for them, arrive more nearly at the truth than if they had to analyse the peculiarities presented by the mingled filtrations of a dozen different and unequal minds.

Lastly, I would say a word to those among whom I reckon myself, not without pride, to stand—the rank and file of our profession. In the shortest paper or monograph let every one of us be studiously careful of literary form. I do not mean that there should be fine writing, sounding periods, epigrammatic comments—far from that; but I do plead for clear correct language, careful arrangement, due sense of proportion, musical cadence of sentences. To make simple direct narrative at once arresting, charming and potent has always seemed to me the very highest achievement of literary art. I freely grant that it is also the most difficult; but that is no reason why we should not strive after it. Above all, though we shrink, as from an accursed thing, from forced witticism, let us not deny ourselves a touch of humour. Let us never take leave of our sense of the ridiculous. The most pathetic thing in human nature is the mingling of the comic and the serious. Let us deal truly with it. Read the account of the riot at Ephesus in the Acts of the Apostles, and think what it would be without its touches of dry and delightful humour. Its human significance would be lost.

I have noticed that the transactions of learned societies, so called, such as our own, are generally to be found in the passages of houses, slowly mouldering to dust cheek by jowl with the corpses of defunct sermons. Surely that is very

much our own fault. There is no reason why they should not be discoverable, a volume or two at a time, well thumbed on the drawing-room table. Even the public of the newspapers can enjoy a column of historical matter written with intimate knowledge and literary art, Such columns are rare, for the intimate knowledge may be the fruit of a life-time's study and the perfection of literary art the outcome of years of drudgery. Nevertheless, I sometimes wish that editors would more often ask the great masters of our profession to write them. There is nothing derogatory to the historian's dignity therein. Holbein would paint a portrait life size and at full length on one day, and a miniature tiny enough to be worn round the neck on the next ; and both are masterpieces in their own kind. Let me not be supposed to desire that the histories of the future should appear daily in serial form, heralded by the strident phrase, " another splendid instalment to-morrow." But I should like the public to realise that history is not for the learned only but for all. We need not descend, for that purpose, to gratify the mean tastes of the vulgar. Are we not in part custodians of the honour, the dignity and the beauty of English prose? But we may accomplish something if we never forget that our theme is human nature, that our story is to be told to human nature, and that it is our duty to make it acceptable to human nature. What we need is unswerving industry and honesty in seeking out the truth ; imagination to interpret it aright ; literary art to bring home the interpretation not only with conviction but with welcome to men's minds and bosoms.

Thus at worst we can enlighten at any rate some of our countrymen and, at best, though it is granted to but one in many generations, we may create a possession for ever.

WILLIAM IV OF ORANGE AND HIS ENGLISH MARRIAGE [1]

By Professor P. Geyl, Lit.D., F.R.Hist.S.

Read 13 *November*, 1924.

I am going to talk to you about a period of Dutch history which is very little known in England, and as in the eighteenth century Holland had hardly any contribution of her own to make to European history, it is not likely ever to become very popular. Yet, apart from the fact that even a process of decay may be an interesting object of study, it took statesmen both in Holland and outside a considerable time to realise that the great days of the Republic were over for good. Their finding out was a matter of importance from the point of view of the European, and particularly of the English, historian, and this will properly be the subject of my paper.

Of course, in the decades after the peace of Utrecht nobody could close his eyes to the patent fact that the United Provinces were not so energetic or so strong as they used to be. The dispatches of the English Ambassadors in the Hague are full of laments about the helplessness of the ally. Lord Chesterfield was there from 1728 to 1732, and although at that time there were still two ministers who enjoyed a European reputation, the Grand Pensionary Slingelandt, and the Greffier François Fagel, and for both of them Chesterfield, too, had the greatest regard, yet it is a gloomy picture that he paints of the lack of spirit and the narrow and petty

[1] This paper gives the gist of a book, *Willem IV en Engeland tot* 1748 (*Vrede van Aken*), which I published with Martinus Nyhoff, The Hague, about the same time when it was delivered. The reader who wants more exact references to the sources will find them in that work, as also very full quotations from them in the appendices.

views which prevailed in the counsels of the Republic. There was but one desire—to avoid unpleasantness, to enjoy peace and quiet, and Dutch politicians openly admitted that the reason for this was to be looked for in the exhaustion of the country's finances. At the same time they spent an amazing amount of energy on the pursuit of miserable squabbles about domestic affairs, and even these domestic affairs could not unfairly be summed up in the one word—"jobs."

Politics sometimes seemed altogether divorced from the great issues with which the interest of the public was bound up. The various States assemblies were full of rival *côteries* fighting for the spoils. This was one of the factors that hindered the Republic in pursuing a vigorous policy. It became increasingly difficult to make the States-General toe the line on any issue whatever. You know of course what a complicated machinery the constitution of the Netherlands Republic provided. No constitution was ever evolved by the wit of man that contained so many tricks for the delay and for the obstruction of business. Horace Walpole, who was ambassador in The Hague a few years after Chesterfield, observed that the *liberum veto* had become a fact, and the only difference from the Polish Diet, as far as he could see, was that there was less noise and tumult.

This unsatisfactory state of affairs in the Republic was rather a serious matter for England. The political system of the Whigs, who had come into office again with the establishment of the Hanoverian monarchy, was based on the alliance with the other maritime Power. The connection with Holland was much closer than that with Austria. It was an axiom of British foreign policy, enunciated most emphatically perhaps by Horace Walpole himself,[1] that England could not safely enter into any continental war without the support of the Republic. The reasons for this

[1] H. Walpole to T. Robinson, May 25, 1734, *F. St. P., Holland, P.R.O.*; Paul Mantoux,, *Notes sur les comptes-rendus des séances du* parlement *anglais au XVIIIe s. conservés aux A. A. E.*, p. 84. Coxe, *Pelham Administration*, I, p. 115, etc.

view were largely economic. English commerce feared Dutch neutrality. But apart from that, Holland seemed the natural *point d'appui* on the continent whenever England meditated any action there, particularly since the barrier treaty had given Holland such a hold on the southern Netherlands, and the connection between England and Hanover had done nothing to weaken this view, on the contrary. The Georges were far from anxious to offer Hanover as an alternative *point d'appui*; rather they looked to Holland to help and protect their Electorate in times of danger. As a consequence, the breakdown in health of the Republic threatened British foreign policy itself with paralysis.

Now Dutch statesmen, when they surveyed this state of affairs, consoled themselves with the hope that the torpor which had overtaken Holland might after all prove to be only temporary. It might be due to a remediable defect in the constitution of the Government, the absence of a Stadtholder.

When William III died in 1702, the male line of the descendants of William the Silent died out with him. The Princes of Orange, as I need hardly explain, had never been the sovereigns of the country. But their position was most anomalous. Both the aristocracy who surrounded them and the people who looked up to them from below considered them in the light of rulers, and wished for the increase of their power, each for reasons of their own, but both because they thought a stadtholder would put the burgher oligarchy in its proper place. When William III died, the States of Holland knew better than to appoint anyone in his stead. Luck served them. The cousin whom William had meant to be his successor was still only a boy. This was Johan Willem Friso, Count of Nassau, Stadtholder of the Northern Provinces of Friesland and Gröningen. The Frisian Stadtholders, who had not always been on the best of terms with their powerful and famous cousins of The Hague, were descended from a brother of William the Silent. One of this line had married a daughter of Frederick Henry, so that

through the female line the blood of the great William flowed through their veins. But so, unfortunately, had the great Elector of Brandenburg, so that Johan Willem Friso was not even allowed the peaceful inheritance of William III's private possessions, but a tedious and expensive law-suit began, which lasted much longer than poor Johan Willem Friso's life. For in 1711, when he was only twenty-four years old, just when he was beginning to grow dangerous for the States of Holland, he was drowned in the Moerdyk. A son was born some weeks after his death. Willem Carel Hendrik Friso, William IV, succeeded to the Stadtholderships of Friesland and Gröningen, and in 1722 was elected Stadtholder of Gelderland. But this did not mean that he occupied a very brilliant, still less a very powerful, position in the republic. None of these three provinces was very important, nor was his position in them very strong. Particularly in Gelderland William IV's stadtholdership was so hedged round with restrictions that it signified very little indeed: it was no more than an orange flag on as pure an oligarchic *régime* as was to be found in the Republic. Gröningen hardly counted at all, as the ancient feud between the town and the countryside permanently paralysed that distant province. The four "stadtholderless" provinces were infinitely stronger than the three others, and they followed the lead of Holland, by far the wealthiest and most influential of the seven, which was very strongly given when it came to the question of safeguarding the "stadtholderless" *régime*. A dead set was made against William IV in all matters that appertained to the confederation. He was kept out of the Council of State, although stadtholders of particular provinces had always sat in it; his military promotion was barred, although his ancestors, the Stadtholders of Friesland and Gröningen, had always had the rank of general in the army of the Republic. On top of that, when at long last the lawsuit with Prussia was settled by a compromise in 1732, a determined attempt was made to ruin the Prince. The States-General, who were the executors of William III's will, refused

to let William IV enter into possession, unless he paid them certain accumulated taxes, which it was entirely beyond his capacity to pay. At the same time the States of Zeeland, acting in the fullness of their sovereign rights, extinguished the Marquisate of Veere and Flushing with which the Princes of Orange had been invested since the beginning of the Republic, and through which they had exercised considerable influence in the States of Zeeland. Owing to the intimate relations which always existed between the provinces of Zeeland and Holland, this footing in the sovereign body of Zeeland was of the utmost importance for the Prince's ambitions. But the other side saw that as well as he did, and in spite of his protests against what he described as a downright violation of his rights of property, Zeeland was supported by Holland and left undisturbed by the States-General, and the Marquisate remained extinct; Veere and Flushing were allowed to elect their own magistrates, or rather their municipal governments were allowed to co-opt themselves as those of the other towns did, and the votes of those towns in the States of Zeeland (which was composed of only six towns in all) were lost to the Prince.

Now it was in these circumstances that England extended a helping hand to him. The marriage had been discussed as early as 1727, when George I was still alive. In 1728 the Secretary of State for the North, Townshend, had privately written to ask the Grand Pensionary's opinion of the scheme.[1] But Slingelandt, although he was not personally hostile to the house of Orange, had warned his correspondent that the scheme could only inspire the States of Holland with the most violent suspicion against England, and might throw them into the arms of France. The English statesmen, however, did not take that warning very seriously, and for this reason: they were confident, and their confidence was based on Chesterfield's reports, that the marriage, by which England would as it were declare William IV to belong to the true

[1] Jorissen, *Lord Chesterfield en de Republiek der Vereenigde Nederlanden* (1885), p. 24.

succession of the great Princes of Orange, would infallibly and shortly lead to the elevation of William IV to the stadtholdership of Holland, and then of course, so they argued, *he* could be depended upon to keep the States within the bounds of the old system. Many thinggs tended to confirm this prognostication. In 1729 William, who was then eighteen years of age, came for the first time to The Hague. William IV's personal appearance was far from being impressive. Through an accident in his infancy he was, if not quite a hunchback, yet distinctly high-shouldered. But he had an easy and winning manner, and was a ready speaker. Chesterfield was greatly impressed by the enthusiasm which the common people showed on that occasion, and even more perhaps by the nervousness, not to say the abject fear, of the States.

In 1733 at last, when the persecution of the States had grown more and more vindictive, the English Government carried out their intention. The way in which the communication was received by the States of Holland forboded no good. They flew into a great passion and instructed the Grand Pensionary solemnly to entreat the King to reconsider a decision which might have such unfortunate consequences for the relations of the two countries.[1] As the marriage had been announced to both Houses of Parliament, and moreover the States-General preserved a prudent silence, no notice was taken of "this most improper step" on the part of a provincial States assembly, and in October 1733 William crossed over to England, as William II had done in 1641 and William III in 1677, to be married.

Ann, the eldest daughter of King George II and Queen Caroline, was a woman—she was a year older than William—of strong character, intensely ambitious, wilful and intelligent, though without any real political gifts. The Court, if we are to believe Lord Hervey,[2] were inclined to pity her, her mother and sister wept when they saw "le monstre"—

[1] E. Finch to Lord Harrington, May 26, 1733, *F. St. P., Holland, P.R.O.*
[2] *Memoirs.*

that is what they called the little deformed bridegroom—but Ann treasured the memory of her father's parting words[1]: "va, cherche fortune." As a matter of fact, it was to be an exceptionally happy marriage. Ann clung to her husband through the long years of waiting, and although she endured the boredom of living in a small country town like Leeuwarden anything but patiently, she never blamed him for the disappointment of her hopes. All her resentment was directed against her parents in England for leaving them in the lurch.

But I am anticipating. The reception of the Prince and his bride in Holland was not encouraging. The common people shouted themselves hoarse to welcome the Prince, but the regents showed the greatest reserve. The English Government had endeavoured to smooth the princely couple's path by negotiating an agreement with the States relating to the *étiquette* to be observed with the King's daughter. But the attitude of private individuals could not be influenced that way, and Ann soon discovered that the regent aristocracy, and particularly the ladies in The Hague, were very stubborn when it came to the important questions of whether one was to be received sitting or standing, and the like.

The curious thing about this is that Ann was exhorted from home—that is to say by her mother, who did the corresponding—she was exhorted all the time to be as accommodating as possible. "Ingratiating smiles" were prescribed, and on the whole "discretion" was urgently counselled.

In fact there is every reason to believe that the English Government had begun to regret the marriage before it was concluded. In June, 1733, just after the decision had been irrevocably announced to the world, a European crisis had arisen, the War of the Polish Succession, into which England had little inclination to be drawn, but during which, to make any impression on France and on the course of events, she

[1] *Hist. MSS. Comm., XIVth Report,* App., part IX, p. 1.

needed the cordial co-operation of the Dutch Republic. It seems unlikely that the Republic, exhausted as she was, would in any event have followed an energetic course of action. Yet it was unfortunate that the marriage had irritated the States of Holland so much. The Austrians complained loudly that England was responsible for the inaction of the Dutch by interfering in their domestic politics, and the English Government felt that something had to be done. It was all very well to hope that in course of time the marriage would help the Prince to obtain the appointment of Stadtholder. But since the States were in the possession of actual power and, in spite of occasional cheers for the Prince, seemed perfectly secure in that possession, it became necessary to placate the States. Horace Walpole, who so largely inspired the foreign policy of the English Government in these years, seems to have perceived most clearly that there was no other way. In any case he was sent over to Holland in 1734 with an instruction [1] ordering him to give the strongest assurances that nothing was further from the King's mind than any idea of promoting a change in the Government of the Republic in favour of his son-in-law. In fact, Horace Walpole bluntly told the Princess Royal herself that he did what he could to make people forget the marriage. He succeeded well enough, re-established cordial relations with Slingelandt and in concert with him tried to mediate between France and Austria, not altogether without result: the Anglo-Dutch concert contributed something towards the signing of an armistice in 1735, which was commuted into a peace only in 1738.

It needs little imagination to understand what bitter disappointment and grief this attitude on the part of the English Government caused to Ann. I have published early this year some of her correspondence with her mother which I have found in the Queen's archives in The Hague.[2] Ann

[1] May 3 O.S., *St. P. F., Holland, P.R.O.*

[2] *Bydragen en Mededeelingen van het Historisch Genootschap te Utrecht*, LIV (1924), p. 89 ff.

tried to make her mother see that England could never expect anything good from the States party, and that, if to try and overthrow them was thought too risky, at least the Prince should be used as a whip over their backs. But the time for that kind of policy was not yet.

The most Ann's importunities could effect, and that only in 1736 when the end of Franco-Austrian hostilities seemed to promise a quieter time in international politics, when, as she put it, *les affaires qu'Horace a* were at an end, was a half-hearted attempt on the King's part to move the States-General, as executors of William III's will, to see that the States of Zeeland did justice to his son-in-law in the matter of the marquisate. The King's appeal gave rise to a tremendous struggle in the States-General, but it ended in a victory for Holland all along the line, and a rebuff for the King. The aspect of the affair which made the profoundest impression on English statesmen as they watched its slow development in the counsels of the Republic, was the weakness of the Prince's party which it revealed, although at the same time it was plain that this bone of contention of the Prince's position had only to be thrown into the Dutch political arena for the politicians to forget every other consideration, to forget, particularly, the European complications, on which England wanted to keep their attention fixed. Small wonder therefore that Horace Walpole, who had given way to the parents' solicitude reluctantly, saw in the outcome a confirmation of the wisdom of his policy of non-interference, and became more determined than ever that poor William and Ann had best be forgotten in their Frisian exile. So when in the next year, 1737, the Prince himself appealed to the Queen for help against his enemies, he asked in vain. Yet his position was a serious one. The republican party not only held up his military promotion, but they had now contrived a scheme for a general promotion of superior officers which was designed to bar his way to the rank of general for ever. Letters full of reproaches and resentment passed between mother and daughter, but matters

grew much worse when, in November, 1737, Queen Caroline died. For the King never liked the Prince of Orange, whom he found much too fluent and too cocksure a talker to his taste, and the Prince may be said to have been definitely dropped by England. All he could do was to try and save appearances, as he realised that an open rupture would still further weaken his position in the Republic.

In 1740 his anxiety to be invited to Hanover, where the King, as usual, spent the summer, precipitated a quarrel: the King went as far as to write to his daughter: " quant à votre mari, la lettre impertinente qu'il vient d'écrire lui en ferme la porte pour toujours." [1]

There is no doubt that William IV himself was largely to blame for his unfortunate situation. Horace Walpole did not neglect to point out that the weakness of his following was due to the incompetence of his leadership. The Orangist opposition could count on the support of a large body of public opinion, provided it stood for certain great principles, as for instance a strong foreign policy in conjunction with the ancient ally England, or purity of government, government freed from cliques and intrigues. With all his undoubted quickness of wit, William IV never really grasped that fact, or at any rate he thought that he had done enough for it when occasionally he spoke in high-flown language of the purity of his intentions and the glory of his forefathers, in whose footsteps he meant to tread. All the while his real energies were employed in playing the political game as his adversaries understood it, in intriguing against the intriguers and in opposing clique to clique, and the object of all that tremendous activity was the comparatively petty and personal one of his appointment to the rank of general.

This narrowness continued to characterise William IV's outlook and attitude when politics once more became dominated by grave international issues and, after the death of the Emperor Charles VI, in 1740, the war of the Austrian

[1] *Bydragen en Mededeelingen van het Historisch Genootschap te Utrecht*, LIV (1924), p. 126.

succession began and gradually expanded. Slowly but surely England was drawn into a great continental war in which she needed all the support the Dutch Republic could give her. A moment was only too likely to come when she would get convinced that the ruling party there was unable or unwilling to take an energetic part in the war. At that moment she was sure to turn to the Orangist opposition, traditionally pro-English and anti-French. As a matter of fact this happened only after another period of dreary waiting for William IV and his Princess, in the late summer of 1746 to be exact. Again, William IV's personal shortcomings hindered the fruition of his hopes. But there were other factors besides.

I would keep you too long if I were to try and follow the winding course of the war of the Austrian succession, and of the ways in which it affected the English attitude towards William IV. Let me say as briefly as possible that Walpole, who was by no means anxious to embark upon a great war, found no difficulty in working harmoniously with the States; in fact, during the first year of war they were keener than the English Government. With the coming into office of Carteret things began to change. The war became a war of conquest on the part of the alliance against France, but as no conceivable Dutch interests could be served by such a policy, it is no wonder that the Republic began to lag behind, and that the Amsterdam party even became openly pacifist. But the majority, led by the Grand Pensionary Van der Heim, clung to the old system, and although they too began to incline towards peace, they would never try to obtain peace at the price of separation from England. Even in England the opposition began to clamour for peace, and they found support within the Cabinet in Newcastle and Pelham. In 1744 Carteret, who by the treaty of Worms with Austria and Sardinia had just committed the country (and its ally the Republic too) to a continuation of the war with objects which were now frankly aggressive, felt his position grow more and more insecure, and in these circumstances he and

the King listened to an opening made to them by a prominent member of the Orangist party in the Republic, William Bentinck, the second son of William III's friend. Bentinck, who was one of the most powerful members of the States of Holland, and a man of great energy and sincerity, had many relations in English Whig circles and was a violent partisan of war against France. In his letters to Carteret [1] he explained that only a Stadtholder could be expected to make the Republic show any vigour again, and that a Stadtholder would be chosen if only England showed plainly by some public and determined action that she was on the Prince's side. He suggested that the King should again demand that justice be done to his son-in-law in the Zeeland marquisate affair, and that he should not allow himself to be fobbed off with some empty excuse this time, but if need be proceed to coercive measures against Zeeland merchant vessels in England. No Dutch statesman, surely ever proposed to a foreign government a policy which more recklessly endangered the position of his own country. However anxious they were to help the war party into the saddle at the Hague, Carteret and the King must have had their doubts about the practicability of the scheme. Nothing more is heard of it, and in November, 1744, after a summer of military misfortunes in the southern Netherlands—for here France now began to counter-attack—Newcastle and his friends forced the King to dismiss Carteret and a new government was formed into which some of the opposition leaders were admitted—the so-called Broad Bottom Administration.

The ostensible programme of the new government was to try and make both the Elector of Hanover and the Dutch Republic contribute more vigorously to the war ; and if that proved impossible to make peace. As a matter of fact,

[1] *Add.* 22,526 (*Cartaret Papers*), Br. Mus. Part of Bentinck's own papers is preserved in the Br. Mus., *Egerton* 1711 *ff.* The other part is in the *Queen's Archives* at the Hague, and now mostly published in the *Archives de la Maison d'Orange-Nassau*, IVe série.

however, they achieved neither the one nor the other. Chesterfield was sent to Holland, but, as a contemporary pamphleteer put it, while he might have gone as "the people's ambassador," he made "an arrant Court jobb" of it.[1] And so the war went on for the same reasons of continental politics which interested the Elector of Hanover but hardly anybody else in England, and certainly very few people in Holland.

It is unlikely that this absurd state of affairs could have lasted much longer, but in June, 1745, an event occurred which all of a sudden did give the English people an interest in the war. That was the capture of Cape Breton by a force of New Englanders. Cape Breton, as you know, is an island in the Gulf of St. Lawrence, and its possession was of immense value, as in English hands it would dam Canada off from the sea altogether. Now every conceivable peace must be made on the basis of a mutual restitution of conquests. France was weary of the war, and quite ready to discuss peace. But nobody could think that she would be ready to give up Cape Breton. Her own position in Europe was far too advantageous for that: she held in her hands a pledge of no less value, to wit practically the whole of the barrier towns and a large part of the southern Netherlands with them. If England wanted to preserve Cape Breton, she would have to carry on the war till its fortunes changed in Europe and the French were driven out of the southern Netherlands: unless, indeed, she were ready to leave them there, and that was, of course, a possibility which never entered the head of any responsible English statesman. The essential point in all this is that England again fell back upon a war policy just when Holland was drifting more and more towards a policy of peace, and that the alliance was threatened by a very grave difference of opinion, or rather of interest. Van der Heim longed for peace as much as did the stoutest

[1] *Dutch Faith . . .* London, 1745, p. 8. On Chesterfield's mission to the Hague, see my article *England and Holland during the War of the Austrian Succession* in *History*, April 1925.

Amsterdammer, but he still clung to the old system, to the English alliance, and if he consented to the dispatch to France of a special envoy to open a conversation about peace, he firmly intended to prevent a *separate* peace. The criticism of the Amsterdam party was—and to me it seems perfectly justified—that thereby he allowed England to keep Holland in the war as long as she pleased for her own selfish purposes, for her colonial interests with which the Dutch had nothing to do, nay it could even be argued that it was against Dutch commercial interests to let the French be squeezed out of the colonial world and English supremacy there become unchallenged.[1] And at the same time the best means of inducing England to entertain the idea of a peace even at the price of the surrender of Cape Breton was that very threat of a separate negotiation which Van der Heim would never utter. England, safe on the other side of the sea, can look on with equanimity at a long series of military reverses on the Continent, and as a matter of fact did display great fortitude at the imminent danger of an invasion of her ally the Republic, whose turn would come as soon as the French army had overrun the whole of the southern Netherlands. The English in those years imputed the fault of the unlucky course of events entirely to the badness of the Dutch army and railed and scoffed mercilessly at Dutch cowardice and treachery.[2] The Dutch on their part were not greatly impressed with the exertions of the English or with the abilities of the Duke of Cumberland, who was the Commander-in-Chief of the allied forces, and they were intensely angry at what they considered unjust strictures as well as at the insensitiveness of the English where their ally's danger was concerned.[3]

[1] Buys, the Secretary of the States of Holland, said so to Sandwich: Sandwich to Newcastle, Aug. 30, 1746; *Add.* 32,808 (*Newcastle Papers*), Br. Mus.

[2] See e.g. H. Walpole, *Letters*, I, p. 370 (July 1, 1745), and Fielding's phrase "a Dutch defence" in *Tom Jones* (1748), Everyman edition, II, p. 6.

[3] See e.g. *Hist. MSS. Comm.* XIV, IX, p. 142.

Towards the end of 1745 all this was given an exceedingly sharp point. The invasion of the Pretender's son and the rebellion in Scotland caused the English Government (who were less stoical when their own country was concerned) to recall gradually nearly all their troops in the Netherlands. The Dutch army was left alone to face the French. Brussels fell in January, 1746. The prospects for the summer campaign of 1746 were desperate. Van der Heim implored the English Government to consent to a general peace negotiation being set on foot. But to that, while they subdued the Scottish rebellion very much at their leisure, they continued to turn a deaf ear, although the British minister in The Hague, Robert Trevor, recognised the justice of Van der Heim's complaints and worked wholeheartedly for peace. There *was* a peace party in the Cabinet—Henry Pelham and Lord Harrington belonged to it—but Newcastle and the King held on, and even though hardly any troops could be sent back during 1746 and the French conquered the remainder of the southern Netherlands, the war was to be kept alive in hopes that in 1747 it might retrieve the fortunes of the allies.

Then at long last, in July 1746, Dutch patience was at an end and the Amsterdam party prevailed upon the Grand Pensionary, however reluctantly, to acquiece in full powers being given to the Dutch negotiators in Paris for the conclusion of a separate peace, if England still refused to come in. The threat had some effect. The English Government consented to take part in negotiations to be held at Breda. This was a success for the Dutch peace party. But the English war party did not throw up the game. On the contrary, they set about at once to make their concession valueless. It was not Trevor who was entrusted with the negotiations at Breda. A new man was sent over for the conference, and he went as the instrument of the war party. This was the Earl of Sandwich, who later on acquired an unenviable reputation as the most inefficient and corrupt First Lord of the Admiralty in English history. Sandwich

carried on a correspondence with Newcastle, which the King saw, but behind the back of the Secretary for the northern department, Harrington, who was soon driven to resign. Trevor, who had tried, in co-operation with Van der Heim, to make the peace negotiations a reality, was made to feel that he had lost favour, and before the end of 1746 Sandwich was accredited with the States-General as British ambassador.

Trevor had written to Pelham, his friend within the Cabinet, that he did not want to stay now that the policy of trying to work with the States in full confidence (the policy which Horace Walpole had taught him) was going to be abandoned, and now that the services which would be expected of the English representative in The Hague would be to "menace, scourge or subvert this Republick." [1] This is a very exact description of the course which Sandwich followed. He never had to deal with Van der Heim, who had died (15 July, 1746) absolutely worn out with anxiety, and whose place was taken by Jacob Gilles, the very man who as delegate of the States had received the full power for a separate peace, and who still had got it when he accompanied Sandwich to Breda. One would expect that as soon as he acquired the conviction that Sandwich was "amusing the carpet" (as the eighteenth-century diplomatists put it in their half-French jargon), Gilles would have put his foot down and would have again threatened a separate peace. Yet this, in the course of a long winter's negotiations, he never could bring himself to do. It is not that he did not understand Sandwich's game. Sandwich's tactics were clever, but they were sufficiently obvious. He carried on the most bare-faced obstruction—of which I will spare you the details. But the question which interests us is: why did Gilles allow himself to be dragged along in spite of his better judgment and in spite of his agonising doubts as to the efficacy of the protection which the allied army would be able to give the Republic in case there was another campaign.

[1] See e.g. *Hist. MSS. Comm.* XIV, IX, p. 150.

Why did he allow Sandwich to bully him and to browbeat him into a policy which he believed opposed to his country's interests?

It was because Sandwich entered into relations with the Orangist opposition, not directly with the Prince, but with Bentinck. Bentinck had been acquiring more and more influence over the Prince's mind, and he had converted him to the belief that unwavering fidelity to the old system, to the alliance with England and war with France, was the natural policy for the Orangist opposition, the policy which could lead to that entire change of government wherein all the smaller questions on which the Prince had so long squandered his energies would be found to be contained. Bentinck could now take the field as the leader of the Orangist opposition and Sandwich's confidence gave him most of his power. England worked with the opposition, and the States party, who were still nominally in command, were given to understand—not openly, it was all done quite decorously, but none the less effectively for that—that if they got out of hand things would be made very unpleasant for them at home. Protests had broken out from the Orangist provinces as soon as the secret of the full powers for a separate peace had leaked out, and that agitation gained force when Sandwich appeared on the scene. In the small provinces several politicians "ratted" to the Orangist side now that they were assured of English support. The main cause of the regent's sense of insecurity in the face of the determined attitude of England and of the Orangists was their knowledge that the mass of the people, in Holland no less than in the other provinces, would turn against them in a crisis. An open rupture between England and the Republic would be represented by the opposition as an act of treason. "Surrender to France" would be the cry, and when the traditional support of the name of the Prince of Orange was given to that cry, the States knew, or at any rate feared, that they would not be able to stand against it. So the war went on.

In April, 1747, the French—who were all this time not

technically at war with the States—announced their intention to invade Dutch territory and at the same moment marched into Dutch Flanders. The panic in Hague governing circles was pitiable. Chesterfield, who was now Secretary of State with Newcastle, wrote reassuringly of the decided superiority of the Duke of Cumberland's army [1]—but that was of little use to the sufferers. A thing of greater effect was the readiness with which England sent a fleet to the Scheldt. That made a deep impression in the threatened province of Zeeland, and it contributed to the rising of the people in Zeeland against the States.[2]

For rise the people did, just as everybody had predicted they would when the French entered the country, and just as they had done in similar circumstances in 1672, when the States, first of Zeeland, then of Holland, were compelled to appoint William III to the stadtholdership. Just as in 1672 (for all that in that year Charles II was attacking the country in alliance with France) England and Orange were indissolubly connected in the minds of the people, and by elevating William IV they meant to show their gratitude to his father-in-law, as in 1672, by elevating William III they believed they could placate his uncle. Rarely was there such a case of history repeating itself. After the rising in Zeeland, the people began to riot in Holland. The States gave way without a struggle. On May 2 the Prince was proclaimed stadtholder of Holland. A week or so later he arrived from Friesland and was received by the people with delirious enthusiasm.

Now this change of *régime* plainly meant that the Republic was going to carry on the war with France with greater determination and was giving up all thoughts of peace for the time being. The negotiations at Breda came to an abrupt end. William IV and Bentinck, who now became

[1] Chesterfield to Sandwich, April 11, 1747 (O.S.), *F. St. P., Holland, P.R.O.*

[2] Sandwich in *Newcastle Papers*, Br. Mus., *Captain's Letters* No. 2014. *Admiralty Papers, P.R.O.*

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the directors of Dutch foreign policy, dreamed of restoring the country to its former glories. Their schemes and ambitions contained an element of pure romanticism. They, too, thought of 1672 and of William III all the time. The wonderful recovery of the country in that the most dramatic year of Dutch history fascinated them and they forgot to ask whether the conditions of their own time were such as to make a repetition possible.

The English statesmen made the same mistake—not all, though, not Chesterfield, who knew William IV too well to think that he could play the part of William III. Chesterfield did not believe that the war could lead to anything and worked for peace. But the Duke of Newcastle and Sandwich triumphed and congratulated each other effusively on the success of their policy. On one point they saw more clearly than William IV. or Bentinck. They knew for what purpose the war was to be continued : in order that England should be enabled to keep Cape Breton. The Dutch statesmen could only talk rhetorically about restoring the honour of the country and making it again respected in Europe. This amounts to saying of course that the revolution of 1747 made Dutch foreign policy even more dependent on England, and it fulfilled, therefore, in dramatic fashion, after a long period of delay, the objects for which George II in 1733 had given his daughter in marriage to the neglected and persecuted Prince of Orange.

Yet, the success of this policy was more apparent than real. It was all built on the assumption that the Republic would be able, under the leadership of a stadtholder, to put forth much more strength than she had hitherto done. Now this assumption proved false. Everything went on as it had been going on during the last years. The French quietly took Dutch Flanders and then turned to Dutch Brabant. In July they defeated Cumberland once more at Lafeld—and then began to besiege Bergen-op-Zoom, one of the two strong fortresses that defended the southern approaches to the Republic, Maastricht being the other. Before the winter

came Bergen-op-Zoom fell, and everybody knew that it would be the turn of Maastricht next.

What happened in these months, after the elevation of William IV to the stadtholdership, is one of the least edifying, one of the most inglorious pages of Dutch history. It is important because from these events one must date the final elimination of the Republic from the inner circle of great European powers. We know now that really the strength to play the part of a great power had departed ever since the peace of Utrecht, but at the time nobody was sure that some miraculous revival might not follow upon an Orangist restoration. Now the Orangist restoration had come about, and it needed only some nine or ten months for William IV to convince even the most sanguine that the Republic was really and truly finished.

It was to some extent a personal failure. I do not think that even a William III could have revived the former greatness of the Republic. But William IV proved himself utterly and ludicrously incapable of the tremendous task which had fallen to his lot. He was blind to the realities of the situation. He did not understand that the State which had been entrusted to him suffered from grave ills, that its economic and financial condition was as much the cause of its weakness as the oligarchic system by which it had been ruled, and that the people who had risen in order to have him for their stadtholder had not done so merely for the pleasure of having a stadtholder again, not even solely in the hope that the French might be fought to better purpose, but that he might remedy the abuses in the administration and in the constitution which had been growing for so many years. William IV only thought of the war and of the glory of William III. When after their victory at Lafeld the French once more initiated peace negotiations, and approached *England* this time—and so discouraged were people in London after the new reverse that the opening met with a very favourable reception—naturally this could not be pleasant to William IV. It looked as if the only result of

his elevation was to be that the negotiations of Breda, where the States might have had the lead, were broken off and that instead of them negotiations were to be carried on with England as the power in which France confided. The parallel of the events of 1710 and the following years must occur to everyone. Anyhow, William IV got into a terrible excitement and protested against any peace negotiations at all with all his might.[1] A most comic situation really, and more so as the English replied that they were ready to negotiate mainly because of the dangerous situation of the Republic, which they could no longer fail to recognise. The Prince of Orange, on the other hand, gave utterance to the most vehement protestations that the Republic did not care for danger, that her only wish was to be allowed to carry the war into *another* year, when she would repair all the mistakes of the past and bring about, in alliance with England, that glorious peace which could not be obtained from France now. Even Newcastle was rather staggered when he read Sandwich's accounts of these fiery declamations, but William IV did not leave it at that. In August he sent Bentinck to England, for the purpose of strengthening the hands of the war party in the Government, or rather of stiffening their backs, for Newcastle and the King himself were really beginning to look upon the game as lost. Bentinck soon found that the exaggerations of the stadtholder had exposed him to the sarcasms of that redoubtable wit, Chesterfield, and he tried to avoid the same pitfall, and affected great moderation.[2] Yet in reality he spoke no less extravagantly than the Prince had done, and Chesterfield, although *he* never knew it, found him as easy a butt for his witticisms. "Bentinck tells us," so he writes,[3] "the most wonderful tales. Bergen-op-Zoom is no loss"—the town was lost, in

[1] William IV to Chesterfield, July 12, 1747, in D'Ailly, *Willem Bentinck van Rhoon*, App. VI.

[2] His letters to William IV in *Archives de la Maison d'Orange-Nassau*, IVth series (ed. by Bussemaker), Vol. IV.

[3] *Letters* (ed. Mahon), III, p. 223.

a shameful way, during Bentinck's stay in England. "Even if they lose two or three provinces this year, they will gain back that and much more the next." But although Chesterfield scoffed, and most of the other ministers, too, shook their heads at the assurances which the Dutch envoy gave,[1] the King and Newcastle allowed themselves to be persuaded. The two war parties in the two countries played into each other's hand, one raised to office by the other now restored the other's sinking power. And Sandwich was sent to meet the French negotiator with such private instructions from the King and Newcastle as enabled him to play the game of Breda all over again. Chesterfield, disgusted at the course which events took, resigned, and it seemed as if the year 1748 was to witness the decisive struggle on the battlefield.

But now happened the pitiful collapse. In August and September, 1747, William Bentinck had been in London to urge in the Prince's name the continuation of the war. In the early days of March, 1748, that is to say, shortly before the new campaign was to begin, his brother Charles Bentinck appeared in London, also as the Prince's envoy, but with quite a different message. William IV had found out that it could not be done. He was also, if the truth must be told, disgusted with the war by England's unwillingness to concede to him for the next campaign an equality of command with his brother-in-law, Cumberland.[2] The Princess, who was intensely jealous of her brothers and sisters, stirred up her husband's resentment over this slight. But apart from these rather pitiful personal considerations, the public ones were sufficiently cogent. The financial difficulties were overwhelming. All that winter the Prince and his friends—and the States, for of course the constitution of the country had been left exactly as it was, only the stadtholder had been superimposed as a sort of dictator, not even the personnel of the oligarchy had been changed, even the Grand Pensionary Gilles, who had bowed before the storm and accepted

[1] See *e.g.* Pelham in Coxe, *Pelham Administration*, I, p. 271.
[2] See Pribram, *Oesterreichische Staatsverträge, England*, I.

the revolution as had everybody else, even Gilles was left in his post—all that winter William IV and Gilles had tried to get an army together to meet the shock of the French attack in the spring, and the result of their efforts moved the Duke of Cumberland, who was again to be Commander-in-Chief and who arrived in The Hague about the middle of March, to the deepest scorn, and to not a little anxiety too.[1] Nothing was ready, discipline was worse than ever, only disasters could be anticipated from such a state of affairs. To cut a long story short—Charles Bentinck came to London to throw up the sponge. His instructions written by William IV himself,[2] and which Charles Bentinck showed to Newcastle, left English politicians gasping. It was so exactly the opposite of everything that the envoy's brother had come to say not six months earlier. It drew the gloomiest picture of the condition of the Republic which William Bentinck had painted in such rosy colours, and it all led up to a quite impossible request for a loan of over one million pounds sterling.

Of course this was decisive. The peace party in the English Government triumphed. Chesterfield in his retirement had the satisfaction of being able to say : did not I tell you so ? The Duke of Newcastle was annihilated—or rather he ought to have been,—but he was a very resourceful politician, and although he felt that he had been made ridiculous, and although he was furious with Sandwich, who, so it now appeared, had been too gullible, and had failed to inform his principals of the true state of this " bankrupt Republic " as Newcastle now called the country on which he had built the whole of his policy,[3]—in spite of all that, Newcastle kept a bold front and changed over to the peace party as if he had belonged there all his life. Sandwich's instructions for the peace congress, which was just being opened at Aix la Chapelle, were changed, and peace

[1] His letters in Coxe, *Pelham Administration*, I.
[2] *Archives de la Maison d'Orange-Nassau*, IV, I, p. 152.
[3] To Sandwich, March 18 (O.S.), 1748, *Newcastle Papers*, Br. Mus.

preliminaries were signed in May, just in time to save the Republic from a disaster of the first magnitude, for already Maastricht had fallen and the frontiers lay open to the French army. Of course England had to restore Cape Breton. The French by now had in their hands not only the whole of the southern Netherlands, but the southern part of the Dutch Republic as well.

This then was the sad *dénouement* of England's attempts to do great things on the Continent once more in conjunction with a Prince of Orange. William IV had to bear the brunt of the disappointment. In English governing circles his name became a byword. When George II in 1748 again went to Hanover for the summer, he passed straight through Holland without stopping to meet his son-in-law the Stadtholder, an action which set the tongues of all the politicians wagging. And in the Republic, too, people who knew anything of what had been going on could not forget that by preventing the States from forcing through a general peace in 1746, when it could have been done with some appearance of dignity, William IV had only succeeded in exhibiting his own incapacity and the country's utter exhaustion and disorganisation to the world at large. The traditional suspicion against the pro-English proclivities of the House of Orange was intensified, with results from which that House was to suffer in the next generation—William IV died young in 1751 already—and in the meanwhile English statesmen could no longer, as the Walpoles had still done, delude themselves with the hope that an effective continental policy could be built upon co-operation with the Republic. In the next war with France they found a more vigorous ally in Prussia and the Republic was contemptuously allowed to remain neutral.

DEBATES IN THE HOUSE OF LORDS, 1628

By Professor Frances H. Relf, Ph.D., Wells College, N.Y.

Read 11 *December*, 1924

In searching through the Bodleian last April for debates in the House of Commons during the period of the sixteen-twenties, I came across a volume of debates in the House of Lords. My attention was attracted by the subject-matter, for the volume was taken up almost entirely with the Lords' discussion of the Petition of Right during the month of May, 1628. The more I read, the more I was impressed with the amount of information on that important subject added by these notes. From the handwriting, the notes were easily identified as those of Henry Elsing, Clerk of the Parliaments. Then I remembered that earlier in the winter, in going over manuscript material in the Petyt Collection, I had there noted two volumes of debates in the House of Lords. Upon a comparison of handwriting, I found that those volumes were also the work of Henry Elsing. One of the volumes was for 1621, but the other covered the session of 1628 from the beginning to the point where the Bodleian volume begins. Here was more material on the Petition of Right. But for the time being my interest swerved from that particular subject to a more general consideration of the value of my discoveries, and to the possibility it opened up of carrying on a work of editing begun by Samuel Rawson Gardiner.

For it will be remembered that Gardiner edited two volumes of the Camden Society under the title, "Notes of the Debates in the House of Lords officially taken by Henry Elsing, Clerk of the Parliaments." In his preface to the first volume he writes as follows:

"The notes . . . are valuable enough to stand upon their own merits. The Commons' Journals, as is well known, are,

during the early part of the seventeenth century, filled with reports of the speeches delivered in the debates, which, short and unsatisfactory as they are, nevertheless are sufficient to give a tolerable idea of the arguments used by the leading speakers. But with the House of Lords this is not so. The peers allowed, indeed, their Journal Book to tell us what were their official acts, what bills were read, what messages were sent to the Commons, what reports were brought up from Committees. But nothing said by a peer, in his individual capacity, was ever set down. . . . It now appears, however, that the record so jealously excluded from the Journals was kept in a rough and undigested form, for reference by members of the House. These notes, taken down by Henry Elsing, Clerk of the Parliaments, from the mouths of the speakers, give us an insight into the state of parties in the Upper House, and into the character of its leading members, which we have never had before."

The difference in the amount of information regarding the two Houses now at our disposal is much greater than at the time Gardiner wrote. There has been discovered during recent years a great number of private diaries kept by members of the House of Commons. As these are edited and appear in print, they are going to revolutionise our ideas concerning the lower House. For the House of Lords during the early seventeenth century, I know of no private diaries. All that we have are the clerk's notes supplemented occasionally by notes of his assistants. Truly it behoves us to make the most of these.

Gardiner edited six of Elsing's volumes of notes, two for each of the years 1621, 1624, and 1626. The two volumes for each of the years 1624 and 1626 cover the whole of those sessions of Parliament, not so those for 1621. For that year there were four volumes, of these Gardiner had only the second and fourth. The first is now found bound up with other material in the Petyt Collection. It fills in a great gap in Gardiner's work and makes the notes for 1621 almost complete. It covers a full two months of the session, that is from the opening of the session in January until the Easter recess. The third volume, which is still missing, covers only

from the Whitsuntide recess until the adjournment on the fourth of June, barely two weeks.

The six volumes that Gardiner edited, though now in the British Museum, were at the time he used them in the possession of Col. Carew of Crowcombe Court. There was a seventh volume in the Carew collection which covered the whole of the session of 1628. On the outside cover was written by Henry Elsing, "The scribbled book of this Parliament by my son." Gardiner thought this book was derived from the Clerk's notes. He intended to publish it. It was, indeed, transliterated and partially annotated. In a footnote he wrote, "This book has much less of a scribbled appearance than those of Elsing himself, and looks as if it had been copied from the original notes." Now we have the original notes of the clerk in the two volumes found in the Petyt collection and in the Rawlinson collection. For the first time it is possible to compare the son's notes with those of the father. My own conclusion is that the two are entirely independent of each other. The son, who later on succeeded his father as clerk of the Parliaments, was undoubtedly at this time acting as an assistant clerk. As such he took notes. It will be remembered that for 1621 Gardiner found what he described as "a minute book, similar in nature, but inferior in execution, to Elsing's notes, and, as it would seem probable from a reference to 'my master,' drawn up by one of his clerks." That I am sure is what we have in the son's notes, only he has carefully written up his notes taken during the debate. This detracts from their value. A comparison with the father's notes shows that the son has more than once grouped under one name what the clerk shows to have been the speeches of several men. The son reports the speeches at greater length; sometimes he adds to the thought, more often he only makes more wordy the terse phrases of the father. At times he obscures the meaning or is even misleading. Nor are the son's notes as nearly complete as the father's. Often proceedings in the committee of the whole House are omitted; there are days for which not even the proceedings

in the House are given. Consequently one cannot gain from that account any sense of proportion or determine the sequence of events. But because it is a wholly independent account, it is of great value for checking and supplementing the clerk's notes. And until the clerk's book of notes for June, 1628, is found, it remains our only source for the debates during that month. What needs to be done is to edit the two together, following Gardiner's plan for the earlier sessions.

The editing will not be completing Gardiner's work; only carrying it one step further. The finding of three volumes of Elsing's notes encourages me to hope that in time they may all be brought to light, that there will be more editing to do later on. It seems to me that there is evidence for thinking that all the volumes of notes were at the time safely deposited in the Tower, that they were not scattered until later. I base my supposition upon what we know of the volumes now in the Inner Temple Library, the British Museum, and the Bodleian. As regards those in the Petyt collection the case seems fairly certain. Those in the British Museum (the ones that Gardiner used) were bought by Col. Carew in 1747 at the sale of the library of the Duke of Chandos. Members of the Brydges family had served as lieutenants of the Tower. It does not seem unlikely that they, as well as Petyt, appropriated manuscripts that had been deposited there. This surmise is strengthened by the character of other manuscripts offered at this same sale. There were many volumes of debates and proceedings in the House of Commons, books on Parliamentary procedure, etc., which bear a great similarity to volumes in the Petyt collection. More than that, there was offered at the same sale an index to Tower records, taken November 6, 1688. But this is not all that is to be learned from Sir Thomas Phillipps' reprint of the catalogue of the sale of the Duke of Chandos' library. We get a clue there as to the volume of Elsing's notes now in the Rawlinson collection at the Bodleian. The catalogue shows that there were sold to Carew not seven volumes of

Elsing's notes but eight. What was the eighth volume? What became of it? Picture for yourselves Col. Carew at the sale glancing casually at the eight volumes for which he had paid the large sum of two shillings. He could easily have thought that he had had a duplicate foisted off on him. There was a volume covering the whole of the session of 1628, and another covering a part of it. What more natural than that he should get rid of the latter for a few pence? And at the same sale was Rawlinson (another bit of information gleaned from the sale catalogue). He was noted for picking up anything he could lay his hands on. Why should not he have been the man to relieve Carew of his duplicate? If the Elsing volumes we now have all came from the Tower, that affords us some slight clue in further search for the missing volumes.

It affords us a clue for finding more than Elsing's volumes. For if those volumes were deposited in the Tower, the natural inference is that they were not the private possession of Elsing, but the property of the House of Lords. If the property of the House of Lords, another possibility is suggested. Could the keeping of such scribbled books have been the practice of only one clerk of the Parliaments? Was it not a regular part of the keeping of the records of the House? Is there a possibility of finding not only Elsing's lost notes but the notes of other clerks who preceded and followed him? That Bowyer, the clerk who preceded Elsing, kept notes, we have clear evidence in the volume of scribbled notes for 1621 which has been found in the Petyt collection. According to the printed Journal Book, Elsing did not become clerk of the Parliaments until March 12, six weeks after the opening of the session. He was appointed then because Bowyer became suddenly ill. Evidently Bowyer did not recover, for soon after Elsing was sworn in as clerk. This much we learn from the printed Journal. Turning to the scribbled notes we find that from the beginning of the session through the ninth of March they are kept in one handwriting, undoubtedly that of Bowyer (I cannot speak posi-

tively on this point as I had not time to make a comparison of handwriting before leaving London). On the tenth the record is kept in an unknown hand. Beginning with Monday the 12th, it is in the handwriting of Henry Elsing. Turning again to the printed Journal, we find that nothing is entered there for the tenth but the attendance. Evidently nothing could be entered there but the notes of the clerk of the Parliaments. His notes then were the official preliminary to the finished Journal. They must have been regularly kept and (at the time) carefully preserved. I am confident that in time many of them will be discovered. That work can be facilitated by emphasising the importance of all volumes as they are found.

The volume for 1621 has a peculiar interest for those who want to find out more about the way Parliament records were made. Here may be contrasted the work of two different clerks. More than that can be learned, for in marginal notes we find instructions to the new clerk for carrying on his work. Also we can see where some of the Lords, and even the Prince, interfered in the wording of a certain report. But the volume has a more general interest. During the time covered by this first volume for 1621, the Lords were mainly concerned with three matters, the petition of both Houses concerning recusants, the charges against Mompesson, and the taking of evidence against Bacon. On all these subjects the debates throw new light. But the notes are of even more value for the information they give regarding particular men. Some are men of whom we have known little or nothing before, yet men who took a prominent part in the politics of the time. Others are men so generally known that any new information about them is eagerly sought. At the head of such a list for 1621 we must place Sir Francis Bacon. This volume of notes covers those weeks when he presided over the House and took an active part in its deliberations.

But there was no subject debated in 1621 that can compare in interest with the great subject which occupied the minds of the men of 1628. Elsing's notes of the debates on

the Petition of Right are very full. They take up the greater part of the two volumes. And, as these debates ended before the close of the month of May, we lose nothing by not having the third volume for that session. In a paper of this kind it is impossible to give a narrative account of what took place in the Upper House; the most that I can do is to give the impression made upon me by a careful reading of the notes. We have known what action the Lords took, but we have not known by what processes they reached their conclusions. It has seemed as though the majority shifted. Sometimes it supported the Duke of Buckingham; sometimes it opposed him. It was for an explanation of this that I searched in the debates, for it seemed to me that it was the key to an understanding of the whole situation. The conclusion to which I have come is that the Duke never had a majority on which he could depend. Nor were his victories due to his persuasive powers; rather they were due to his manipulation of the House. There can be no doubt that he was master of the House, not by reason of numbers pledged to support him, but because he knew when to sit quiet, when to put in a word that changed the direction the debate was taking, when to bring the debate to a conclusion. Nor was he unwilling to supplement this power by the use of more questionable methods. The two outstanding instances of the Duke's success occurred on April 22, and on May 12. On the first date he defeated the Commons' resolutions; on the second date he gained support for the King's letter. Elsing's notes show how in each case the Duke's success was accomplished.

It will be remembered that, though the Commons' resolutions on arbitrary imprisonment were sent up early in April, there was no debate upon them until the 21st. The Lords were unwilling to enter into any discussion until they had listened to Attorney-General Heath (the great exponent of the King's prerogative), had heard the judges' explanation of their decision in the five knights' case, and had held a conference with the lower House. This delay irritated Bucking-

ham, for the end he had in view was not to settle the question of arbitrary imprisonment but to get the matter out of the way, so that the Commons would proceed to the passage of the subsidy bill. This he hoped to do on the 21st by phrasing the question so broadly that it could only be determined in favour of the King. So he suggested that the question be merely whether the King could commit or not. In spite of all that was said to the contrary, the Duke stood firm and the question passed. But it passed with an amendment added to it, that it was "only to satisfy the King," that it should not "gain any further upon the other question," the question whether he could commit without presently showing a just cause. On the 22nd that question had still to be settled.

We are told by Contarini that on that great day the debate lasted for ten hours. During most of that time the discussion was directly to the question whether a just cause must be expressed. On that question the Duke gave no expression of opinion. For hours he sat silent; and then, when at last he arose, it was to move that they "come to the question speedily." Protest that they were not ready for a vote only made him speak more plainly. They must "husband time, for if provision be not made now in April, we can make none this year neither for Rochelle nor the Baltic Sea." That to Buckingham was the vital thing, not the question of the King's prerogative.

Yet he chose well his time for bringing the debate to a close; he waited until the opposition showed signs of weakening; then there was an opportunity for compromise. The Lords were at no time as divided in their opinions as the question at issue would seem to indicate. The clerk's notes make it clear that early in the debate they were all agreed that there must be a discretionary power in the King. The real point at stake was whether that discretionary power should be expressed or only implied. No man was a stronger supporter of the Commons' resolutions than Lord Saye; yet, at the opening of the debate, he said, "Better have the

law to be positive and absolute than the reason of State, for the law will in cases of necessity yield to reasons of State." No supporter of the King's prerogative phrased it more positively than that. What the opposition to the King maintained was that this discretionary power was for the extraordinary occasion and that laws were made for the ordinary. "The rule for the ordinary to be first settled," said the archbishop. Clare pointed out that in every rule there lay an implication of exceptions, that that was understood without any need for being explicit. He drew an illustration from the rules of grammar. Bristol put the same thing in a much more vivid way. "The fourth commandment," said he, "is positive for the Sabbath. Will you add unless you see your ox fallen into a ditch?" Then he explained his meaning: "So the law to be positive, yet reason will admit of exceptions necessary for the King's prerogative." It was this speech by Bristol that made Gardiner write of him that his was "the first hand held out to the King outside the ranks of the Court." Gardiner would not have thought that, had he had the speech as quoted above from the notes of the clerk. The son in his account gave quite a different meaning to the illustration. "As Christ," he wrote, "upon the Sabbath healed, and the prerogative is to be preserved for the preservation of the whole."

Those who stood for the prerogative maintained that the discretionary power must be stated explicitly. Coventry was sure that if they agreed to the propositions of the Commons, there would be no latitude left to the King; therefore he would not "give his assent to the question as now it is." These men were not only firm as to their own position, they maintained that Saye and his followers had come over to their point of view. "They agree," said Dorset, "that the King cannot commit for any cause tryable at common law, but for reason of State he may." Weston went a step further; he thought that as long as they agreed to allow a latitude to the King's power, further argument was unnecessary. He therefore urged them "to

determine that as this question stands, we cannot agree unto it." It was at this point that Buckingham urged that they come to the question speedily.

There is no doubt but that Buckingham would have liked a vote on the Commons' resolutions. According to Contarini, it was generally known that the Duke had assured the King, before he went to the House, that the resolutions would be rejected before he came away. Gardiner thought that Contarini was referring to the proceedings on the 24th, but, in the light of the fuller evidence, it is clear that the reference is to this day. This is the day on which the decision was reached, though there is nothing in the printed Journal to show it. Of the ending of this day's proceedings Gardiner wrote as follows:

> "Buckingham, confident in the support of the majority, moved that the debate be closed. The next step would have been to reject the Commons' resolution, but Saye interposed with a motion for delay till the judges had been consulted. If this were not done, those who were in favour of the resolution would enter their protests. It was thought that, if it had come to a division, there would have been fifty-six votes recorded in opposition to the Court, against sixty-six in its favour. Buckingham did not venture to divide in the face of so formidable an opposition, and the debate was adjourned."

Nothing is more difficult than to determine a man's motives. But I do not think that the events which followed the Duke's consent to abandon a vote were due to chance. They were, I am convinced, the result of deliberate and daring finesse. Buckingham knew that he did not have a majority. But he took the extreme position of demanding a vote for two reasons; first, in order to bring the debate to a close; secondly, that he might bring about a compromise by receding from the extreme position. By the compromise he gained all that he would have by the vote; to all intents and purposes the Commons' resolutions were rejected on the 22nd. This, at least, is the impression that I get from reading the notes of Henry Elsing.

After giving the opposition a chance to state their objections to the taking of a vote, Buckingham rose to suggest a compromise. He began his speech by saying, " I made a proposition of an accommodation agreeable as I believe to your own hearts." He was referring to what he had said on the 15th. After the judges had been heard on their judgment in the five knights' case, he had raised the question as to how they should proceed, for he was eager that matters should move as fast as possible. Some wanted to hear the opinion of the judges on the law, others wanted a conference with the Commons ; the Duke advised that they settle it themselves by an accommodation or compromise as between King and subject. At that time he had said, " If we manage time well before disputation raise it to a height, we cannot demand that which his Majesty will deny." Now he added, " The King desires it still, and yet will do it though the subsidies were passed by a bill."

The supporters of the Commons' resolutions fell into the trap the Duke set for them. They allowed themselves to be diverted from the debate on the main issue to a consideration of an accommodation. By doing that they tacitly agreed to Weston's motion, " that as the question stands we cannot agree to it." For if they agreed to it why would they consider changing it ? " If I had drawn the proposition, I would not have done [it] in their very words," admitted Bristol. And Saye added, " An occasion offered by the Commons now for an accommodation, not before when it was first propounded." The occasion to which he referred was the offer of the Commons, made earlier in the day, for a conference " to satisfy any doubt or scruple " in the minds of the Lords. When the Duke had called for the question, the opposition had urged that they first hold the conference asked for by the Commons. Now Saye saw an opportunity to press that demand. He wanted the conference, the other side wanted an accommodation. Agree then to the conference, he suggested, for that will " sweeten " the accommodation. He did not see, until it was too late, that they meant to

use the conference only as an occasion for presenting their counter-resolutions. "The message from the Commons by the finger of God," exclaimed Northampton; "a vote will breed dispute [meaning a vote on the resolution], my desire is a vote whether a conference or not." "They," explained Dorset, meaning Saye and his party, "desire it to satisfy any scruple. For an accommodation only." It was in vain then that Saye protested, "There are scruples fit to accept of, the conference required." Then the Duke spoke again. The report of his speech is fragmentary, but the meaning seems clear. The accommodation must be accepted as the alternative for a vote on the resolutions; there was to be no discussion at the conference. Too late Saye realised that there was to be no real conference, that he had lost ground by his proposal that the conference be made the occasion for offering the accommodation. But he was soon to see that he had lost more than that. Devon went on to formulate the message to the Commons as though that were all that remained to be done. "But," protested Saye, "the dispute of the question not to be laid aside here." He was answered by the Lord Keeper, "Not to fall into dispute whether this proposition shall stand, but to let them know we come only to accommodate the same and to quit this." "That is as much as if it were voted" from Saye shows that at last he saw that the Commons' resolutions had been rejected.

All of this had occurred while the House was in Committee. Now the House was resumed and an effort made to sum up in the form of a resolution the results of the day's discussion. The clerk's record shows their inability to come to any agreement. One proposal after another he wrote down and then crossed out. That explains why there is no record of this day's proceedings in the printed Journal. When the House met the next day it was seemingly with the idea of going on from the point where they had left off the day before. Again there were suggestions as to the form that the message to the Commons should take. To all of them Buckingham objected. "The message to be only

thus," he said, " that the Commons sit until they hear from us . . . then to resolve on what to demand in respect of the King and what in respect of the subject." The message was sent ; but then, instead of the House as a whole formulating the demands to be sent to the Commons, it was turned over to a committee of eighteen. They formulated the message to the Commons and delivered it to a committee of that House, they conferred with the judges, they formulated the counter-resolutions. There is no record of the debates of that committee. All we know is that on the 24th they were " a long time in the painted chamber " drawing up the counter-resolutions. Yet it must have been the phrasing rather than the subject-matter that took the time, for the resolutions contain nothing that was not thoroughly discussed on the 22nd. That and not the 24th was the decisive day. On that day the Commons' resolutions had been rejected as absolutely as though a vote had been taken.

The other example of the way the Duke managed the Lords occurred on May 12. On both occasions the concern of the Duke was to gain the grant of subsidies. But whereas on the first occasion he was working only to prevent delay, on the second he was faced by the danger of losing them entirely. He was forced to get quick and decisive action from the Lords in order to prevent the dissolution of the Parliament by the King. He could not depend upon the slow processes of finesse and so resorted instead to trickery.

Since the 24th of April, events had followed each other in quick succession. The Commons had rejected the counter-resolutions, had formulated a bill which the King had obliged them to abandon, had drawn up a petition and submitted it to the Lords for their consideration. After some debate, the Lords referred the consideration of the Petition of Right to a small committee. The committee reported on verbal changes but left the great issue, that of arbitrary imprisonment, to be determined by the House. The Lords were faced by exactly the same question that they had encountered on April 22. That question they intended to

debate on the twelfth ; but, before they could begin, a letter was delivered from the King containing his promise concerning imprisonment, that he would not commit for any matter that did not concern the State without showing a just cause, and that for matters concerning the State the cause would be expressed as " soon as with conveniency and safety the same is fit to be disclosed." From other evidence it can be said with a good deal of assurance that unless the Lords had accepted this letter, or at least promised to reduce the petition to conformity with it, the dissolution of Parliament would have followed. Gardiner has drawn attention to an undated draft of an order for dissolution drawn up by Attorney Heath. This draft was found enclosed in a letter from Heath to Carlisle in which he urged Carlisle to advise the King for a dissolution to be followed by the severe punishment of the leaders of the House of Commons as an example to the country. From the content, Gardiner places the writing of the draft and letter some time during the week of May 2–9. A fact which he may have noted, but to which he did not call the attention of his readers, is that the promise of the King regarding imprisonment made in that document is identical word for word with his promise in the letter to the Lords. This leads me to the conclusion that the King had accepted Heath's draft, that he intended to dissolve Parliament, that he was dissuaded from that course only on the condition that the Lords would accept his letter rather than the Commons' petition. It was that situation which made it necessary that the Lords should not only act favourably upon the King's letter but that they should act promptly. Otherwise all hope of subsidies for that year would be lost.

From the printed Journal, we know that the Lords acted both promptly and favourably. On the afternoon of May 12 they passed a resolution to accept the King's letter.

It has been hard to reconcile the stand taken by the Lords on this day with their willingness later to recede from that position. Gardiner wrote that their unanimity was " greater

in appearance than in reality." But the clerk's notes reveal that there never was unanimity, that that vote had been possible only after most of the opposition had departed. To find out what really happened, it is necessary to piece together the clerk's meagre notes taken on the 12th with his record of the next day's proceedings, when complaints came in from the absent members and the action of the day before was defended by those who were responsible for it.

According to the clerk's record, after the reading of Grey's petition (to which point his notes do not vary from the account in the printed Journal), Westmorland moved to read Abergavenny's Bill. Then there was a motion "to do no other business this night." Then Abergavenny's Bill was read, after which Buckingham moved "to proceed to the business of the day touching the letter from his Majesty." Immediately there was a protest that "it was conceived the House ordered and agreed to adjourn the House after the reading of Lord Abergavenny's Bill, and therefore many Lords departed." In spite of this protest the business went on. The King's letter was again read by the clerk. Dorset moved "to put this letter to the question." There was a clamour for delay, that the vote should not be taken that night. The only effect was to put the House into committee. There Pembroke explained that the Lords were only "to persuade the Commons that at this time, considering the time, they would bring their petition within the compass of this letter for this session." Buckingham also spoke, but the only report of his speech is in the few words, "not to be concluded, etc." Then the House was resumed and the Lord Keeper asked "whether the question shall be, that we may propound to the House of Commons, that for this time, for this session, they reduce their proposition to this letter." Then Clare explained, "Our endeavours to be only persuasive, not conclusive nor exclusive, but only by way of persuasion, without prejudice either to the petition or proposition." Then the question was put, "That touching the point of imprisonment in the petition, this House should move the

House of Commons that the petition may be reduced so far as concerns that point of imprisonment within the compass of that which his Majesty hath offered by his gracious letter." It was moved " that this be left unto to-morrow morning." The clerk's account closes with the following statements: " The Lord Steward will draw up this and proffer to the House to-morrow and the House to approve, add, or alter any part of it. The Duke to give thanks unto the King for his gracious letter this day to the House."

That is the record of the afternoon's proceedings as written at the time by Elsing. Afterwards he inked out the name of the man who made the motion " to do no other business this night," and added in the margin, " Denied afterwards per Buckingham et aliis (*sic*) after the bill read others affirmed it denyed per D. C. S."

The next day, immediately after prayers, Essex was on his feet in protest against the action taken the day before. The following is his account of what happened:

" Upon the motion of Westmorland yesterday for the reading of Abergavenny's Bill, he moved that no other business might be treated of, but to be adjourned after the Bill read. The Lord Keeper demanded whether it were their Lordships' pleasure to have it so, either ordered or agreed. The clerk thereupon entered agreed, etc. And therefore he absented himself."

The Lord Keeper denied that there had been an order. He was contradicted. According to the notes of Henry Elsing, Jr., it was Saye who spoke at this point. He reports him as saying:

" I heard being absent that there was an imputation laid upon them that were absent, and I know no Lord was blamable, for it was a positive order, for the Lord Keeper asked whether it was your Lordships' pleasure to put off the great business till to-morrow, and it was not denied."

Montgomery declared that he had " disassented, and therefore it could be no order." Buckingham supported the Lord Keeper that there had been no order, " he was then in the House and heard it not."

Then the Lord Keeper gave his account of what had happened: "I observed such contradiction and the Lords to go out that I called to Mr. Maxwell to call in the Lords, for the Lords now not agreed." The clerk goes on to tell us that Mr. Maxwell justified the Lord Keeper's statement. Not only the Lord Keeper but also the Duke and the Marshal made it clear that they considered that the absent lords had only themselves to blame, that it was their action that had been irregular. The Marshal moved, "Hereafter to keep our places and to hearken to the matters in hand, and see the orders entered." The Duke moved, "To have some orders for the time to come, not to rise and depart upon the reading of a bill, etc., to keep forms; it gives a gravity to the House."

There was an effort to introduce other business, but it was soon evident that the opposition had not been satisfied. This time the attack came from Lord Grey, who insisted that there had been an order made to put off the business. He was so bold as to say that the business had not been "fairly carried." For this insinuation he was forced to apologise, but he had succeeded in opening the question as to whether there had been an order. The Lord Keeper tried to evade that question. Because "afterwards the business having been much debated in a full House, he conceived it did dissolve the former order if any." In the end the Roll of Orders was sent for, and it was found that it had been "ordered according to the written orders of the House."

Pembroke now raised the question "whether the proceedings yesterday was regular or not." That led to the following resolution, which was passed: "It is unanimously agreed by the Lords, that the proceedings yesterday p.m. in the House were regular. And that for the time to come the written order of the House shall be continually observed, howbeit the practice of the House hath been often otherwise." But what did it matter to the Duke? The crisis was passed; Parliament continued in session and the subsidies were granted.

These proceedings that I have selected illustrate only the part taken by Buckingham in the passage of the Petition of Right. There is much to be learned of the part taken by others, both those who supported and those who opposed the Petition. There is much in the clerk's notes on other matters than the Petition. All these things appeal to the interest of many people. There is need for making these notes accessible. I ask your consideration of the question of editing the recently discovered volumes of the notes of debates in the House of Lords by Henry Elsing, Clerk of the Parliaments.

FINANCIAL ADMINISTRATION UNDER HENRY I

By Geoffrey H. White, F.R.Hist.S.

Read 8 January, 1925

I. The Separation of the Treasury from the Chamber.

For the financial administration under Henry I we have no such detailed information as is given for the reign of his grandson by the *Dialogus de Scaccario*. When Richard Fitz Neel composed that famous dialogue, which was completed before April, 1179,[1] the head of the financial administration was the Treasurer, who was assisted by two Chamberlains.[2] This arrangement was already in existence before the death of Henry I, although the Treasurer seems to have been a somewhat recent addition to the staff of the Treasury, which had previously been managed by the Chamberlains ; whose title was a survival from the earlier period when the royal treasure was kept in the royal bed-chamber, and the king's chamberlain acted as treasurer *ex-officio*.[3] If we can trust an anonymous poem of the thirteenth century, this primitive arrangement still existed in England under the Confessor, at least so far as the funds for the expenses of the Royal Household were concerned ;[4] indeed, Professor Tout is doubtful whether any royal treasury or treasurer, except the Chamber and the Chamberlain, existed in England before the Conquest.[5]

By the time of Henry I, however, the original Camera or Cubiculum had evolved into three different departments :

[1] Liebermann, *Einleitung in den Dialogus de Scaccario*, p. 10.

[2] Fitz Neel, *Dialogus de Scaccario* (ed. Hughes, Crump & Johnson), p. 72.

[3] Round, *King's Serjeants*, pp. 120–1 ; Tout, *Chapters in the Administrative History of Medieval England*, I. 72.

[4] *Lives of Edward the Confessor* (ed. Luard), p. 207.

[5] Tout, *op. cit.*, I, 73.

(1) The Chamber, under the Master Chamberlain, usually represented by two or more chamberlains who served in rotation.[1]

(2) The Camera Curie, which dealt with what may be called the Privy Purse expenses and those of the Household, managed by a Chamberlain or Chamberlains, also presumably as deputy or deputies to the Master Chamberlain.

(3) The Treasury, managed in the earlier part of the reign by two chamberlains, known then or later as Chamberlains of the Treasury (subsequently, under the Angevin kings, as Chamberlains of, or at, the Exchequer),[2] who were probably, in theory, also deputies to the Master Chamberlain; but before the end of the reign these financial chamberlains, and the Treasury, received an independent head styled the Treasurer, who ranked on a level with the Master Chamberlain.

The first two departments formed part of the Royal Household, and followed the king about his dominions; but the Treasury was fixed at Winchester, with a branch in Normandy, probably at Rouen.[3] That the Treasurer was the equal of the Master Chamberlain is proved by the *Constitutio Domus Regis*, a document drawn up after the death of Henry I,[4] which records that the Treasurer received the same allowances as the Master Chamberlain, that is the allowances received by all the lay officers of the first rank: three shillings and sixpence a day if they took their meals in the Household, five shillings if they ate "extra Domum."[5]

Although the Treasurer himself appears in the *Constitutio*,

[1] *Liber Rubeus de Scaccario* (ed. Hall), p. 811; *Liber Niger Scaccarii* (ed. Hearne), p. 352.

[2] Round, *Commune of London*, pp. 81–2; Poole, *Exchequer in the Twelfth Century*, p. 107.

[3] Haskins, *Norman Institutions*, pp. 108–10; Tout, *op. cit*, I, 107.

[4] Stapleton, *Magni Rotuli Scaccarii Normanniæ*, I. xx; Poole, *op. cit.*, pp. 94–5.

[5] *Liber Rubeus*, pp. 808, 810–12,; *Liber Niger*, pp. 342–3, 349, 352–3.

his subordinates do not, which shows that the Treasury was not included in the Household and had severed its connexion with the Chamber; although the fact that the Treasurer is entered immediately after the Master Chamberlain has led some writers to suppose that this separation had not yet been completed. Thus the editors of the Clarendon Press edition of the *Dialogus* write: "The word 'Camera' is here used for the department of which the Treasurer and Chamberlain are equally the head."[1] And Prof. Tout remarks: "It seems as if the treasurer were regarded as joint head of the chamber with the Master Chamberlain."[2] However, if we examine the list of minor officials who follow the Master Chamberlain and the Treasurer, I think we must conclude that they are all subordinates of the Master Chamberlain. The only officials who could by any possibility belong to the Treasury are William Mauduit (whose office is not stated) and the Tallator Regis. But I think that I shall be able to show, in a later section of this paper, that in 1135 William Mauduit was the chamberlain in charge of the Camera Curie, as the editors of the *Dialogus* think probable, although Dr. Poole and Professors Haskins and Tout hold a different opinion. As to the Tallator, there is some doubt whether he was a tally-cutter or a tailor;[3] but the tailor would certainly belong to the Chamberlain's department, and as tallies must obviously have been used by the Camera Curie, there is no reason to assign even a tally-cutter to the Treasury.

The absence of Treasury officials evidently struck the editors of the *Dialogus*, for after the reference to the Camera already cited, they continue: "The Treasury being fixed while the Curia is perambulatory, we cannot expect to find the whole department described in the *Constitutio*, but only that part which closely attends the king." But it seems to me more reasonable to suppose that the Treasury now formed a separate department, fixed at Winchester and entirely severed from the camera; and that this separation was con-

[1] *Dialogus*, p. 18. [2] Tout, *op. cit.*, I, 86.
[3] Round, *King's Serjeants*, pp. 257–60.

cluded when the Treasury was given an independent head in the person of the Treasurer, not in the next generation as Professor Tout believes.

On the other hand, we may assume that the Camera Curie remained subject to the Master Chamberlain, although before the end of the reign the actual financial work had passed to a chamberlain who acted as his deputy. But the editors of the *Dialogus* invert the process of evolution when they write of Aubrey de Vere (II), who became Master Chamberlain in England in 1133:

"We do not as yet find him acting as treasurer or receiving money in the 'Camera Curie.' The latter office appears to be performed by William Mauduit." [1]

For the time when the Master Chamberlain acted as treasurer lay in the past, not in the future; and now he had even ceased to receive money in the Camera Curie. Again, Professor Tout writes of Aubrey's son and successor:

"Aubrey de Vere, made earl of Oxford in Matilda's charter of 1142, had not, either then or later, any vital relation with the working court department. . . . It (*sc.* his office) maintained . . . a very shadowy existence until its recognition in 1236, on the occasion of the coronation of Eleanor of Provence." [2]

Professor Tout, however, seems to regard this as supporting his own theory that the office of Master Chamberlain was of recent origin, but the logical deduction would seem to be the opposite: that the office was already of sufficient antiquity for most of its duties to have passed to deputies, while the Master Chamberlain himself officiated only on special occasions.[3]

As this study is concerned only with the financial chamberlains we may exclude the Master Chamberlain from further consideration and pass at once to the Chamberlains of the Treasury.

[1] *Dialogus*, p. 18.
[2] Tout, *op. cit.*, I, 91–2.
[3] Cf. *Notes and Queries*, 13 S.I, 224–5.

II. The Chamberlains of the Treasury.

At the beginning of the reign of Henry I the Treasury appears to have been in the care of two chamberlains, Herbert the Chamberlain and William Mauduit.

Herbert the Chamberlain had evidently acted in the same capacity under William II, when the Abingdon historian styles him "regis cubicularius et thesaurarius."[1] He is identified with that Herbert the Chamberlain who held land in Hampshire in 1086, by Dr. Round[2] and Professor Davis;[3] but Professor Tout cautiously remarks that "he is perhaps the son of, and probably connected with" the Herbert of Domesday.[4] Mr. A. S. Ellis suggested that Herbert the Chamberlain of 1086 was probably identical with a Herbert who appears in two documents in the Gloucester Cartulary as brother of Roger de Gloucester,[5] but whom Mr. Ellis wrongly describes as brother of Roger's cousin Walter.[6] I have shown, however, that this identification is baseless, even if the documents in question are genuine.[7] Herbert is found acting as a chamberlain at the commencement of Henry I's reign.[8]

The other office was held by William Mauduit, another Hampshire tenant-in-chief. He is not styled Chamberlain in Domesday Book, but Professor Tout thinks that he may be the "Willelmus camerarius regis" of some contemporary charters,[9] and Dr. Round suggests that his possession of Porchester Castle in 1086 was connected with the transport of treasure between England and Normandy.[10] His tenure of the office of chamberlain is proved by the charter of 1153 restoring to his younger son, William Mauduit II, "camerariam meam thesauri . . . sicut pater suus illam cameriariam

[1] *Chron. Mon. de Abingdon* (ed. Stevenson), II, 43.
[2] Round, *V. C. H. Hants*, I, 425.
[3] Davis, *Regesta Regum Anglo-Normannorum*, I, xxv.
[4] Tout, *op. cit.*, I. 76.
[5] *Hist. et Cart. S. P. de Gloucestria* (ed. Hart), I, 118, II, 18, 19.
[6] Ellis, *Landholders of Gloucestershire in Domesday Book*, pp. 77, 78, 81.
[7] *Notes and Queries*, 12 S. VI, 1, 2.
[8] Round, *King's Serjeants*, p. 322.
[9] Tout, *op. cit.*, I, 75. [10] Round, *V. C. H. Hants*, I, 432.

cum pertinentibus melius habuit et sicut Robertus Maledoctus frater suus eam habebat die quo vivus fuit et mortuus." [1] The elder William died early in the reign of Henry I, who confirmed to his widow her dower and the land given her by her husband, by a charter which passed not later than 1106.[2] He was succeeded by his elder son Robert, as is implied by the charter cited above.

Thus the Treasury was now administered by Herbert the Chamberlain and Robert Mauduit, who continued in office during the greater part of the reign, and died within a short time of each other, probably in 1129 or 1130, although Dr. Farrer includes Robert Mauduit amongst the persons drowned in the wreck of the "White Ship" in 1120; [3] but this, as I have pointed out elsewhere,[4] is due to confusion between the Latinised forms "Maledoctus" (Mauduit) and "Malconductus" (Mauconduit). Herbert was the first to die. The Pipe Roll of 1130 records that Herbert, son of Herbert the Chamberlain, accounts for 353 marks of silver for his father's land, of which sum he has paid 90 marks.[5] But he did not succeed to his father's office,[6] which was purchased by Geoffrey de Clinton; for the same Roll records that Geoffrey de Clinton accounts for 310 marks of silver "pro ministerio thesauri Wintonie," of which sum he has paid 100 marks.[7] It should be noted that this chamberlainship of the Treasury, unlike the Mauduit office, did not become hereditary until 1156, when Henry II granted it to Warin Fitz Geroud, with lands in Wiltshire and Berkshire, the former being held by the tenure of acting as the king's chamberlain,[8] an office held by his father.

[1] Round, *Commune of London*, p. 82.

[2] *Ancestor*, No. 5, p. 208.

[3] Farrer, *An Outline Itinerary of King Henry I*, p. 90.

[4] *Notes and Queries*, 13 S. I, 223. Subsequently I noted that Prof. Haskins also had not distinguished between these two names. *Ibid.*, cxlvi, 189.

[5] *Pipe Roll*, 1130 (ed. Hunter), p. 37.

[6] For Herbert II and his descendants, *v.* Eyton, *Antiquities of Shropshire*, VII, 146 *seqq.*

[7] *Pipe Roll*, 1130, p. 105.

[8] Round, *Commune of London*, p. 83.

Robert Mauduit evidently survived Herbert, for another entry on the Roll of 1130 records that Geoffrey de Clinton owes £9 11*s.* 8*d.* for a deficit in the Treasury whilst he was with Robert Mauduit in Normandy.[1] But Robert soon followed his colleague, for the same Roll records that William de Pont de l'Arche renders account for 1,000 marks of silver for the office and for the daughter of Robert Mauduit, of which sum he has paid only 100 marks.[2] So William de Pont de l'Arche obtained the Mauduit chamberlainship, and he continues to attest as chamberlain in the next reign.[3]

The editors of the *Dialogus* seem at a loss how to reconcile this fact with the restoration of the office to William Mauduit in 1153 ;[4] but I believe that the explanation is simply that his niece and her husband had died without issue before that date. The latest attestation of William de Pont de l'Arche which I can find falls within the years 1144–7,[5] and the latest mention in history belongs to 1143, when Robert Fitz Hildebrand, whom the Empress had sent to his aid, but who had fallen in love with his wife (presumably the Mauduit heiress), seized and imprisoned him, with the lady's collusion, and went over to Stephen.[6] In any event, if the Mauduit heiress died without issue by 1153, her uncle William Mauduit would become entitled to the family office.

Thus in 1130 the two Chamberlains of the Treasury were Geoffrey de Clinton and William de Pont de l'Arche, both of whom probably continued in office until the end of the reign. The only difficulty is that, according to Dr. Farrer, there is reason to believe that the elder Geoffrey de Clinton was dead in 1132 ;[7] which suggests the possibility that it was his son, Geoffrey (II), who purchased the chamberlainship. The elder Geoffrey is included by Orderic amongst the new men whom Henry I raised as from the dust,[8] but Dr. Round has thrown doubt on his accuracy as regards Geoffrey, who

[1] *Pipe Roll*, 1130, p. 37.
[2] *Ibid.*, p. 37.
[3] Round, *Cal. Docts. France*, No. 157.
[4] *Dialogus*, pp. 20–1.
[5] Round, *Geoffrey de Mandeville*, p. 234.
[6] *Gesta Stephani* (ed. Howlett), pp. 97–8.
[7] Farrer, *op. cit.*, p. 143.
[8] Ord. Vit., IV, 164.

appears to have been a Norman from the Cotentin ; [1] and he was doubtless one of those men whom the king had known when lord of that province, on whom he bestowed lands after his accession to the throne.[2] Le Prévost thought that Geoffrey was the immediate successor of Robert Malet as Chamberlain ; [3] but Robert Malet was the Master Chamberlain in England whilst Normandy was in the hands of Robert II,[4] not a Chamberlain of the Treasury ; and although Orderic was clearly wrong in assigning Robert's forfeiture and banishment to 1102,[5] it is probable that he fell not later than 1106,[6] some time before Geoffrey even appears at court.[7]

Before passing to the Treasurer, it must be explained that in Professor Tout's opinion there were no chamberlainships specially attached to the Treasury during the Norman period. Even the Mauduit office was originally an ordinary chamberlainship, one holder of which (Robert Mauduit) happened to be one of the chamberlains in charge of the Treasury, but which did not become a chamberlainship of the Treasury, or of the Exchequer, until a later period. In Professor Tout's opinion at the end of Henry I's reign the Treasury was still managed by "the little group of chamberlains . . . whose two chief representatives could still be indifferently called chamberlain and treasurer." However, he seems to believe that under Henry I the leading chamberlains in charge of the Treasury were Herbert the Chamberlain and Robert Mauduit, and states that "in the latter years of his reign two other royal chamberlains were entrusted with the keepership of his treasury. These were Geoffrey of Clinton and William of Pont de l'Arche.[8] As Professor Tout admits

[1] *Ancestor*, No. 11, pp. 156–7.
[2] Round, *Studies in Peerage and Family History*, pp. 124–5.
[3] Ord. Vit., IV, 167. [4] *Notes and Queries*, 13, S. 223–4, 263.
[5] Ord. Vit., IV, 161, 167.
[6] Cf. my note on "The Fall of Robert Malet," *Notes and Queries*, 12, S. XII, 390–1.
[7] In 1115 or earlier, if a Westminster charter can be relied on. Poole, *op. cit.*, p. 39.
[8] Tout, *op cit.*, I, 75–80

that "the evidence of the *Constitutio* is decisive for the existence of a single dignified official treasurer by the end of Henry I's reign,"[1] his suggestion seems to be that the Treasury at that date was managed by :—

(1) a single dignified Treasurer ;

(2) two officers who were known indifferently as chamberlains or treasurers (Geoffrey de Clinton and William de Pont de l'Arche).

(3) an uncertain number of other chamberlains (the rest of the "little group"), who were not styled treasurers.

I cannot, however, find any evidence that at this date there were more than two chamberlains in charge of the Treasury (in addition to the Treasurer), or that they were still called Treasurers after the "single dignified Treasurer" had come into existence. That they were called Chamberlains of the Treasury is deduced from the charter of 1153 cited above, in which the chamberlainship held by the Mauduit family from the time of the Conqueror is styled a *cameraria thesauri*. This again seems to be evidence that there was at least one chamberlainship definitely attached to the Treasury ; and as there is no doubt that from 1156 there were two such chamberlainships, and under Henry I we find two chamberlains in charge of the Treasury, it appears quite probable that even in his reign there were two such offices permanently allotted to the Treasury. At the same time this may well be regarded as a matter of opinion rather than of fact, and no doubt many readers will prefer to adhere to the theories of so high an authority as Professor Tout.

III. The Treasurer.

The statement in the *Constitutio* that the Treasurer receives the same allowances as the Master Chamberlain is qualified by the proviso (according to the Red Book of the Exchequer) : "Si in Curia fuerit et servierit *in Thesauro*,"[2] or as the

[1] Tout, *op. cit.*, I, 86.

[2] *Liber Rubeus*, p. 811.

Black Book has it, "*ut Thesaur[arius]*." [1] As the Treasury was permanently in Winchester, while the Court followed the king about England and Normandy, it would seem that the Red Book version could only mean that the Treasurer was not paid as a member of the Household except when the king was at Winchester and the Treasurer could attend both the Court and the Treasury. However, the clause in the Red Book seems a somewhat improbable way of recording such an arrangement. The Black Book version might be taken to imply either the same arrangement, or that the duties of Treasurer were intermittent, or again, as Professor Tout suggests, "that the Treasurer was only paid as a Court official when he was actually at Court and serving as court treasurer, that is, as treasurer of the camera curie." [2] No explanation seems wholly satisfactory, but whatever the precise meaning of the clause may be, it is clearly based on the anomalous position held by the Treasurer, as being on the one hand a member of the Household, and on the other the head of an office—the Treasury—which was not included in the Household. Again, it is clear that when the Treasurer was not at Court he still received his five shillings a day, as is proved by an entry in the Pipe Roll of 1130 which will be cited in a later section of this paper.

Dr. Poole remarks of this proviso that it "supports the view that the treasurer is a recent addition to the staff and does work which had been previously done by the chamberlains." [3] Whether this is a logical deduction may be a matter of opinion, but that the Treasurer was a recent addition to the staff there can be little doubt. This brings us to the very difficult question: how and when the office of Treasurer came into existence as a separate office, distinct from and additional to the chamberlainships of the Treasury.

It is possible that it may have originated in the general control which the great Bishop Roger of Salisbury, as Chief Justiciar, is said to have exercised over the financial adminis-

[1] *Liber Niger*, p. 352. [2] Tout, *op. cit.*, I, 86.
[3] Poole, *op. cit.*, pp. 98–9.

tration as well as other branches of the Government.[1] Professor Tout sees in this supervision by Bishop Roger the first step in the passing of the Treasury into clerical control and suggests that he may gradually have handed over the work to his nephew "Nigel" (Neel), who became Bishop of Ely in 1133. He adds that "neither held an office like the treasurership of a later generation"; but a little later he remarks that "it is possible even that Nigel was himself the dignified treasurer, equal in rank to the chancellor and master chamberlain, described in the *Constitutio*."[2]

An equally plausible theory is propounded by Dr. Poole: that as the chamberlains were laymen, "when accounts came to be kept it would be necessary to have an educated man, a clerk, to supervise their drawing up"; and that this clerk gradually rose in importance until the Treasurer ranked above the Chamberlains of the Treasury. But Dr. Poole certainly goes astray when, contrasting the state of affairs shown by the *Constitutio* (1135) with that shown by the *Dialogus de Scaccario* (1179), he continues:—

> "Even when the treasurer acquired a substantial position, he ranked after the *chief chamberlain* and only received the same allowances so long as he was engaged in the service of the Court. This was how he stood in the reign of Henry I. It was only when the account came to take the first place and the custody of the money the second, that the order was reversed, and the treasurer ranked before the *two chamberlains*."[3]

For it is illogical to say that the order was reversed because, in 1135, the Treasurer ranked after the Master Chamberlain, and, in 1179, the Treasurer ranked above the two Chamberlains of the Exchequer. No doubt the confusion is due to the fact that the *Constitutio*, being occupied solely with the Court, mentions the Master Chamberlain and the Treasurer but ignores the Chamberlains of the Treasury (or Exchequer); while the *Dialogus*, being occupied with the

[1] William of Malmesbury (ed. Stubbs), p. 558.
[2] Tout, *op. cit.*, I, 87–8.
[3] Poole, *op. cit.*, pp. 25–26. (*Italics are mine.*)

Exchequer and not with the Court, ignores the Master Chamberlain but mentions the Treasurer and the Chamberlains of the Exchequer.

It may be added that the fact that the Treasurer is entered after the Master Chamberlain in the *Constitutio* does not necessarily imply that he ranked after the latter; and another point to note is that, although on Dr. Poole's theory the Treasurer was originally a clerk, he believes that a layman—Geoffrey de Clinton—held the office in 1126 or earlier. This brings us to another difficult question: who held the office of Treasurer in the later years of Henry I, when it first emerges from obscurity.

Stapleton thought that Roger Bishop of Salisbury was Treasurer throughout the reign of Henry I.[1] The editors of the *Dialogus* also believe that Roger was Treasurer, but are doubtful whether he continued to hold the office until the end of the reign, or whether he was succeeded by Geoffrey de Clinton.[2] Dr. Poole holds that Geoffrey de Clinton was Treasurer in 1126, or perhaps earlier.[3] Foss believed that Geoffrey de Clinton was Treasurer, and still held that office in 1130; but that Bishop Roger's nephew Neel was appointed Treasurer before he became Bishop of Ely in 1133.[4] Professor Haskins also accepts Geoffrey and Neel as successive Treasurers.[5] Liebermann[6] and Valin[7] both believed that Neel was Treasurer. Stubbs assigned the office to William de Pont de l'Arche,[8] as also does Dr. Round;[9] and Professor Tout hesitates between William de Pont de l'Arche and Bishop Neel of Ely.[10]

Thus we have four candidates: Roger, Bishop of Salisbury, Geoffrey de Clinton, Neel (Bishop of Ely in 1133), and

[1] Stapleton, *op. cit.*, I, 22. [2] *Dialogus*, pp. 19, 20.
[3] Poole, *op. cit.*, pp. 39, 97.
[4] Foss, *Judges of England*, I, 111, 284.
[5] Haskins, *Norman Institutions*, pp. 90, 108.
[6] Liebermann, *op. cit.*, pp. 16, 17.
[7] Valin, *Le Duc de Normandie et sa Cour*, p. 163.
[8] Stubbs, *Constitutional History*, I, 400, 444.
[9] Round, *Commune of London*, p. 78.
[10] Tout, *op. cit.*, I, 86–88.

William de Pont de l'Arche. I must summarise briefly the evidence in favour of each.

The theory that the Bishop of Salisbury was Treasurer is based on the passage already cited from William of Malmesbury, in conjunction with his further statement that in 1135 the Bishop and William de Pont de l'Arche were keepers of the royal treasures.[1] Both these passages may, however, be explained by the fact that, as Chief Justiciar, Roger was at the head of the administration, and do not necessarily imply that he was Treasurer.[2]

The claims of Geoffrey de Clinton rest partly on the entry in the Pipe Roll of 1130 recording his purchase of a *ministerium thesauri Wintonie*. Foss, the editors of the *Dialogus*, and Dr. Poole take this to be the office of Royal Treasurer, but my own view, as already explained, is that the office purchased was a chamberlainship of the Treasury, and if so, the entry is no evidence that Geoffrey was Treasurer. Again, he is styled Treasurer and Chamberlain in a charter of Henry I granting him permission to found the church of St. Mary, Kenilworth; but Dr. Farrer states that it is of doubtful authenticity,[3] and I think we are justified in disregarding it if we find evidence that the office of Treasurer was in different hands, as well as another charter, known only from a late copy, in which Geoffrey describes himself as Treasurer.[4]

The belief that Neel was Treasurer was based by Liebermann on a papal document issued at Rouen by Innocent II on the 20th May, 1131, amongst the names of witnesses to which is "Nahelis thesaurarii."[5] It is generally agreed that this represents Neel, although he usually attests as "Nigellus nepos episcopi"; but from the misspelling of his and other names, it is evident that the document was drawn up by a foreigner. Professor Haskins further adduces a charter of the Chapter of Chartres, wherein "Nigello

[1] Will. Malmesbury, p. 538.
[2] Cf. Tout, *op. cit.*, I, 86–7.
[3] Farrer, *op. cit.*, p. 111.
[4] Tout, *op. cit.*, I, 77–8.
[5] Round, *Cal. Docts. France*, No. 1388.

thesaurario" occurs amongst the names of the witnesses.[1] Surely this Neel the Treasurer is more likely to be a local official than the royal Treasurer; in which case we should have only to take into account the one charter, drawn up by a foreigner who probably did not know much about Anglo-Norman officers. However, even if both documents refer to our Neel, I think that his style can be explained. For the Pipe Roll of 1130 shows him in joint charge with Osbert de Pont de l'Arche of the Norman Treasury,[2] presumably as deputies to the Treasurer; and it seems quite possible that such officials might be styled treasurers, just as the acting Chamberlains and Chamberlains of the Treasury were all styled Chamberlains; or, as Professor Tout puts it, Neel's "designation as treasurer in two Rouen charters show that he might loosely be called 'treasurer,' just as the lay chamberlain was also loosely called by this name."[3]

Thus the evidence in favour of Neel is inconclusive, and I can adduce one argument on the other side. William of Malmesbury states that at the beginning of Stephen's reign Bishop Roger of Salisbury obtained the Chancery for one of his nephews, the Treasury for the other, the town of Malmesbury for himself.[4] These are clearly new grants, not confirmations, otherwise the historian would not omit to mention the great office of Justiciar, in which the new king continued Roger; for there is no ground for the curious belief of Boivin-Champeaux, that Roger was deprived of that office by Henry I in or after 1128, and only regained it on the accession of Stephen.[5] Indeed, we know *aliunde* that the gift of Malmesbury to the bishop was a new grant,[6] and that the same is true of the bestowal of the office of Chancellor not on his other nephew, Alexander Bishop of Lincoln, but on

[1] Haskins, *op. cit.*, p. 108. [2] *Pipe Roll*, 1130, p. 63.

[3] Tout, *op. cit.*, p. 87. But my own view, as already explained, is that the chamberlains were no longer called treasurers at this date.

[4] Will. Malmesbury, p. 559.

[5] Boivin-Champeaux, *Notice sur Roger le Grand, Evêque de Salisbury*, pp. 59, 67.

[6] *Salisbury Charters and Documents* (ed. Jones & Macreay), No. VII.

Roger [1] the Poor, his son by Maud of Ramsbury.[2] In the same way the appointment of Bishop Neel to be Treasurer would be a new grant, not a re-grant or confirmation. Therefore Neel was not Treasurer before the death of Henry I.

There remains William de Pont de l'Arche. I have already cited the passage in which William of Malmesbury brackets him with the Bishop of Salisbury—the Chief Justiciar—as the keepers of the royal treasures. Another historian, the author of the *Gesta Stephani*, describes William as the very faithful keeper of the treasures of King Henry [3]; the identity of this William—"Willelmus quidam"—with William de Pont de l'Arche being proved by a reference in the later passage which relates his wife's intrigue with Robert Fitz Hildebrand. Further, Dr. Round has pointed out [4] that when the king appointed two nobles to audit the Treasury accounts, *c.* 1129–30, it was William de Pont de l'Arche who accounted to them.[5]

There is yet another important piece of evidence. The Pipe Roll of 1130 records that William is allowed £15 15*s.* for sixty-three days, when he came from Normandy and proceeded to Durham to take over the bishopric of Durham.[6] This works out at five shillings a day, the rate of pay allowed to the household officers of the first rank according to the *Constitutio*, if they took their meals outside the Household—"si extra Domum commederint" [7]; and the office of Treasurer was the only one of these offices which could have been held by William de Pont de l'Arche at this date.

[1] Dr. Poole calls him "Richard" (*op. cit.*, p. 7), doubtless a slip of the pen.

[2] Ord. Vit., V. 120; *Gesta Stephani*, p. 49; *Ann. de Oseneia—Ann. Mon.*, IV, 23. William of Malmesbury elsewhere says that he was said to be the Bishop's "nepos, vel plusquam nepos" (p. 549).

[3] *Gesta Stephani*, p. 7.

[4] Round, *Commune of London*, pp. 76–8.

[5] *Pipe Roll*, 1130, p. 130 [6] *Ibid.*, p. 131.

[7] *Liber Rubeus*, pp. 808, 810, 811, 812; *Liber Niger*, 342–3, 349, 352, 353. The corresponding rate *intra Domum* was three shillings and sixpence, not two shillings and sixpence as is stated—probably by a printer's error—in Prof. Tout's book (*op. cit.*, I, 85), although the Chancellor always received five shillings.

Professor Haskins actually cites this entry on the Pipe Roll as an instance of the uniform rate of five shillings a day fixed in the *Constitutio* ; but he writes of it as an allowance to "William de Pont de l'Arche the chamberlain," and evidently believes that William received it as chamberlain.[1] Yet the only chamberlain who is assigned five shillings a day by the *Constitutio* is the Master Chamberlain,[2] an office then held by the Lord of Tancarville ; indeed, Professor Haskins himself cites the Annals of St. Wandrille for the facts that William de Tancarville was Chamberlain of England and Normandy,[3] and died in 1129.[4] On his death his office passed to his son Rabel, who remained the sole Master Chamberlain until the King created a separate Master Chamberlainship of England in favour of Aubrey de Vere and his heirs.[5] So William de Pont de l'Arche was never Master Chamberlain, and it is improbable that he was even a Chamberlain of the Treasury when Ranulf Flambard, Bishop of Durham, died on the 5th September, 1128.[6]

It may be asked why William de Pont de l'Arche should acquire a chamberlainship of the Treasury if he were already Treasurer. There were, I think, two reasons for doing so. In the first place, the office went with the lands, and his chief object may have been to obtain the estates. Secondly, if he had children by the Mauduit heiress, the office would descend to his heirs, after being held by him for life, whilst his tenure of the Treasury might be ended by the king at any time. Indeed, we know that he did lose that office a few years later, when Stephen bestowed it on Neel, Bishop of Ely.

As the Chamberlains of the Treasury are not mentioned in the *Constitutio*, we do not know what salary they received at the time, but it may well have been the same as that assigned to the chamberlains who acted as deputies to the

[1] Haskins, *op. cit.*, pp. 115, 119.
[2] *Liber Rubeus*, p. 811 ; *Liber Niger*, p. 352.
[3] Haskins, *op. cit.*, p. 112. [4] *Ibid.*, p. 94.
[5] Cf. my paper on "Master Chamberlains under the Norman Kings," *Notes and Queries*, 13, S. I, 223–5, 245–6, 263–5.
[6] Cont. Flor. Wig., II, 91. Cf. Symeon of Durham, I, 141 ; II, 283.

Master Chamberlain—two shillings a day.[1] In any case it is impossible to believe that they received five shillings, the amount paid to the Master Chamberlain and the Treasurer, and the other officers of the first rank.

If we accept these conclusions and agree that when the office of Treasurer emerges from obscurity it is in the hands of a layman, there is some difficulty in accepting any theory that it was of clerical origin ; but it is very difficult to substitute a theory based on a lay origin. It is just possible that the office, instead of coming into existence by gradual evolution, was created as an entirely new office by Henry I. If this were so, the king may have been actuated by the desire to have a responsible head of his finances who could be with him at Court, or employed elsewhere on royal business, whilst the actual work at the Treasury was done by the chamberlains of the Treasury. But this is only one conjecture based on another conjecture, and it is best to confess frankly that the evidence is too scanty for it to be possible to propound with any confidence a theory of the origin of the office of Treasurer.

IV. William Mauduit and the Camera Curie.

In the *Constitutio Domus Regis*, the entries concerning the Master Chamberlain and the Treasurer are followed immediately by a note that William Mauduit has fourteenpence a day and shall eat regularly in the Household, and shall have 1 thick candle and 13—evidently a slip for 12—pieces of candle, and 2 sumpter-horses with their allowances.[2] This is the Red Book version, the Black Book assigning William only thirteenpence and 12 pieces of candle (as well as the thick candle), but allowing him three sumpter-horses.[3] As regards the allowance in money, Dr. Poole [4] and Professor Tout [5] follow the Black Book, but I think that Dr.

[1] *Liber Rubeus*, p. 811 ; *Liber Niger*, p. 352.
[2] *Liber Rubeus*, p. 811.
[3] *Liber Niger*, p. 352.
[4] Poole, *op. cit.*, p. 97.
[5] Tout, *op. cit.*, I, 79, 89.

Hall [1] and the editors of the *Dialogus* [2] are undoubtedly right in following the Red Book. For no other member of the Household receives thirteenpence a day, but fourteenpence is assigned to the Master Marshal and to the two deputy or assistant constables, Henry de la Pomerey and Roger d'Oilly, when they eat *intra Domum* ; the corresponding rate *extra Domum* being two shillings.[3]

As already mentioned, William was the brother of Robert Mauduit, and the same Pipe Roll which records the purchase of Robert's heiress and office by William de Pont de l'Arche, shows us that William Mauduit owed forty marks for his father's land in Normandy and his mother's dower in England.[4] Yet another entry records a payment made to William in the *Camera Curie*,[5] so that he already held office in or before 1130 ; and I think it may fairly be assumed that this was the office which he held in 1135. Thus we have the following data :

(1) William Mauduit received money in the *Camera Curie*.
(2) In the *Constitutio* he is entered immediately after the Master Chamberlain and the Treasurer.
(3) He takes his meals regularly in the Household.
(4) He is provided with two—or three—sumpter-horses, presumably for the conveyance of treasure.[6]

The obvious deduction seems to be that William was the chamberlain in charge of the *Camera Curie* under the Master Chamberlain ; but it must be admitted that this view involves a certain difficulty.

The Pipe Roll of 1130 further records that William de Pont de l'Arche, who seems to have been a hardened pluralist, owes twelve marks of gold and one ounce *pro Ministerio Camere Curie* and two marks of gold *pro Ministerio Camere Curie ad opus Osberti fratris sui*.[7] The exact meaning of this

[1] Hall, *Court Life under the Plantagenets*, p. 247. [2] *Dialogus*, p. 18.
[3] *Liber Rubeus*, p. 812 ; *Liber Niger*, pp. 353–4.
[4] *Pipe Roll*, 1130, p. 38. [5] *Ibid.*, p. 134.
[6] Cf. Poole, *op. cit.*, p. 99. [7] *Pipe Roll*, 1130, p. 37.

entry is open to doubt. Professor Tout, writing of William de Pont de l'Arche, speaks of his "tenure of a *ministerium camere curie*, an office which he shared to some extent with his brother Osbert," adding: "It is safer not to say 'the ministerium' of the 'camera,' for the association of the two brothers suggests a divided office and others may have shared William's ministry."[1] If William were already the Treasurer—even if he had not yet acquired a chamberlainship of the Treasury—he could not well have attended himself to the *Camera Curie*; so I venture to suggest that what really happened may have been that he first bought the office for £72 15*s*., and then offered a further £12 for permission to transfer it to his brother.[2] The editors of the *Dialogus* ignore Osbert altogether, and say that William de Pont de l'Arche "acquired for himself the '*ministerium camere curie*,' which was probably the office mentioned in the 'Constitutio' as held by William Mauduit the younger."[3]

That the office held by William Mauduit in 1135 was the *ministerium camere curie* is my own view; but the difficulty is that William Mauduit appears, from the entry on the Pipe Roll already cited, to have held the office in 1130. The most likely solution appears to be that, as Professor Tout suggests, the office was divided; in other words, there were two chamberlains in charge of the *Camera Curie*, just as there were two chamberlains in charge of the Treasury. Against this view it may be argued that the *Constitutio* shows us William Mauduit without a colleague in 1135; but it is not impossible that, if there were two chamberlains in charge in 1130, one of them had resigned and had not been replaced; or again, the second *ministerium* might be in the hands of a pluralist, like William de Pont de l'Arche, who did not execute the office. But whatever the difficulties may be, it seems to me that the office held by William Mauduit in 1135 must have

[1] Tout, *op. cit.*, I, 78.
[2] On the ratio of gold to silver, cf. Poole, *op. cit.*, p. 83.
[3] *Dialogus*, p. 20.

been the *Ministerium Camere Curie*, for the following reasons:

(1) there is no other office that would satisfy our data;
(2) if it were not the *Ministerium Camere Curie*, that office would not be included in the *Constitutio*.

However, three leading authorities—Dr. Poole, Professor Haskins and Professor Tout—are of a different opinion, agreeing that the office which William Mauduit held in 1135 was the chamberlainship previously held by his brother Robert and subsequently restored to himself in 1153; although they differ from each other in details.

Dr. Poole follows the Pipe Roll of 1130 and the editors of the *Dialogus* in holding that after the death of Robert Mauduit his office of Chamberlain of the Treasury passed with his daughter to William de Pont de l'Arche,[1] but evidently he believes that the office was recovered by Robert's brother William Mauduit, somehow or other, in or before 1135; for, paraphrasing the relevant entry in the *Constitutio*, he writes:—"The Chamberlain at the Exchequer receives 13*d*." [2]

To this view there are obvious objections:—(1) As already noted, William de Pont de l'Arche continues to attest as chamberlain after the accession of Stephen, and there is no reason to suppose that he had divested himself of the Mauduit chamberlainship and taken up another. (2) There were normally two Chamberlains of the Treasury. (3) William Mauduit takes his meals regularly in the Household, but the Chamberlains of the Treasury would frequently be at the Treasury in Winchester whilst the Court was in some other part of England or in Normandy.

The last objection appears to me to be decisive. Professor Haskins, however, in spite of the entry on the Pipe Roll, does not admit even that William de Pont de l'Arche obtained the Mauduit chamberlainship at all:

"The history of this Mauduit chamberlainship is, in spite of Round's researches, not yet entirely clear. It is not true that,

[1] Poole, *op. cit.*, p. 36. [2] *Ibid.*, p. 99.

as the editors of the Oxford edition of the *Dialogus* suggest (p. 20), the office of William Mauduit was acquired by William de Pont de l'Arche in 1130, for, apart from the fact that William Mauduit would not be mentioned in the *Constitutio domus regis* if he was no longer in office, we find him receiving money in the *camera curie* in 1130 (*Pipe Roll*, p. 134) and witnessing as chamberlain in the summer of 1131." [1]

But the history of the Mauduit chamberlainship appears to me to be perfectly clear, and Professor Haskins seems to have misunderstood the editors of the *Dialogus*, for they did not suggest that William de Pont de l'Arche acquired the office of *William* Mauduit. What they actually said may be summarised thus:

(1) William de Pont de l'Arche purchased the daughter and heiress of *Robert* Mauduit, with her inherited office.
(2) At the same time he acquired the *Ministerium Camere Curie*.
(3) The *latter* office was probably that mentioned in the *Constitutio* as held by William Mauduit.

The first two points are simply copied from the Pipe Roll and the second and third have nothing to do with the Mauduit chamberlainship.

A new fact adduced by Professor Haskins is that William Mauduit is found witnessing as chamberlain in the summer of 1131. The text of the charter in question is known from a seventeenth-century copy of a lost sixteenth-century copy of the lost original [2]; but it is unnecessary to question its accuracy. For there is no reason to doubt that a chamberlain in charge of the *Camera Curie* would be just as likely as a chamberlain of the Treasury to attest as Chamberlain.

Professor Tout follows Professor Haskins in the suggestion that the office held by William Mauduit in 1135 was the office previously held by his brother Robert. Further, he suggests that *William* Mauduit's residence at Court makes

[1] Haskins, *op. cit.*, p. 113. [2] *Ibid.*, pp. 300–2.

it improbable that *Robert* Mauduit's office was the *cameraria thesauri*; but what might be deduced is that *William's* office was not the *cameraria thesauri*, and therefore that it was not the same office as that held by *Robert*.

Further, William Mauduit's permanent residence at Court excludes the only explanation by which it might be possible to reconcile the theory of the two professors with the entry on the Pipe Roll recording the purchase of the office and daughter of Robert Mauduit by William de Pont de l'Arche: i.e., that the office was divided or duplicated, so that both William de Pont de l'Arche, as husband of the heir-general, and William Mauduit, as heir-male, became chamberlains of the Treasury. This seems to have been done about the same time with the constableship hereditary in the Oilly family [1]; but it seems impossible that a Chamberlain of the Treasury should be permanently at Court.

V. Conclusions.

To summarise the results of this study, although the evidence may not be absolutely conclusive, I think that we may accept, at least tentatively, the following conclusions:

(1) In the later years of Henry I the Treasury was administered by a Treasurer, who ranked on a level with the chief officers of the Household, and two chamberlains of the Treasury.

(2) The office of Treasurer, although its origin is still uncertain, was in existence before 1130, and was then held by William de Pont de l'Arche, who continued to hold it until the end of the reign.

(3) William de Pont de l'Arche also obtained a chamberlainship of the Treasury, by purchasing the office and daughter of Robert Mauduit, in 1129 or more probably in 1130.

[1] Cf. my article on "Constables under the Norman Kings," *Genealogist*, N.S., XXXVIII, 113–27.

(4) Geoffrey de Clinton purchased the other chamberlainship of the Treasury in 1129 or 1130, after the death of Herbert the Chamberlain but before the death of Robert Mauduit.

(5) The *Camera Curie* was managed by a separate chamberlain or chamberlains.

(6) William Mauduit was the chamberlain, or one of the chamberlains, in charge of the *Camera Curie* in 1130, and still retained that office in 1135.

(7) William Mauduit did not inherit the family chamberlainship (of the Treasury) on the death of his brother in 1129 or 1130, nor did he recover it in or before 1135. There is no evidence that he regained this office before 1153, when it may be presumed that his niece was dead and he had become in consequence the heir-general as well as the heir-male.[1]

[1] Madox, who failed to distinguish clearly between the master chamberlains and the financial chamberlains (*Hist. of Exchequer*, I, 55–60), makes the strange suggestion that the chamberlainship purchased for Osbert de Pont de l'Arche was the chamberlainship of Normandy (*Ibid.*, 58–59).

COAL-MINING IN THE SEVENTEENTH CENTURY

By Miss Asta Moller, M.A., B.Litt. (Oxon.)

Read 12 *March*, 1925

The history of coal-mining in the seventeenth century covers what may be termed the first chapter in the great story of English coal. In less than a century a seemingly insignificant and experimental industry developed into one of considerable importance. Coal had been used locally before this period; but an industry, as such, did not arise till a decline in the country's supply of wood stimulated new activities. It is possible that the introduction of coal might have been indefinitely postponed, had not years of ruthless felling of timber and neglect of forest lands, coincident with an increasing demand for wood for other than domestic purposes, caused a shortage of fuel. To the Elizabethan the decay of woods had an even wider significance. The demands of the Navy, the extension of the Empire and the discovery of new countries all laid a claim on timber. Its preservation became a matter of national concern. That the individual consumer should have possessed this degree of circumspection, and acted accordingly, was hardly to be expected; but the national needs were brought home to him through an increase in the price of wood. The use of coal became a matter of necessity rather than of choice.

The limits of this Paper[1] only allow of a partial treatment

[1] Since this paper was read, the Literary Director of the Royal Historical Society has suggested the omission of certain portions in view both of the exigencies of space, and also of the fact (noted in Reports of the Royal Commission on Public Records) that detailed colliery accounts will probably be found among the Chancery Master's Documents when these are made accessible to students. It may be possible therefore for the author to supplement her researches from this source and from other local records in private custody.

of the subject of an industry which, in its manifold interest, is perhaps only surpassed by our other great industry,—the woollen industry. I propose to pass over any reference to the life of the early miner, likewise to omit any detailed account of the primitive methods of working, of the simple tools used and the tentative attempts at supplanting human by mechanical power, and to deal mainly with the financial and trading aspects of coal-mining in the seventeenth century.

The right of mining was according to old customs and usage a part of the prerogative of the Crown. Had this ancient right been maintained, the Crown could have exercised its Royal prerogative in regard to coal. But the law had been framed in days when subterranean wealth was confined to metals, and the Royal claim became in time associated solely with gold and silver.[1]

In England, where gold and silver were only found intermixed with baser metals, this right could be extended to all mining activities, and, prior to the seventeenth century, this was in general the case. The relation between the Crown and the extractive industries was thus of early origin, and the peculiar position enjoyed by the lead, tin and copper industries is explained by this fact. But as coal contained neither gold nor silver the right to dig for this mineral appears to have belonged entirely to the proprietor of the soil, a fact which perhaps goes far to explain the paucity of reference to early coal-mining. But from the sixteenth century onwards coal-mining began to attract attention and to emerge from the obscurity which had hitherto surrounded it.

Mining for coal was becoming definitely separated from agriculture, a separation which arose out of the natural divergence of the two industries. The days were passing when the digging for coal and the cultivation of the soil were interchangeable activities. If coal-mining was to be pursued under the new forms required by the advance of

[1] Pettus, *Fodina Regales* (1670), p. 9.

the industry, specific energies had to be devoted to this end.

The sinking of shafts and the opening of deeper workings, which had now to be undertaken before coal could be raised, necessitated the expenditure of capital. While formerly coal had only been dug from shallow pits, where the presence of the mineral could readily be ascertained, the deeper working contained all the elements of a speculative venture.[1]

It is of little avail to attempt to trace the reciprocal action of the presence of capital on the development of coal-mining. It is only possible to state the fact that mining in general, and coal-mining in particular, offered openings for the investment of capital.

As already noted, the right of mining for coal belonged to the proprietor of the soil. But the conditions under which mining was undertaken varied throughout the country. In some districts the right was acquired by lease or purchase, while in others the landowner retained the working of his mine.

Though our knowledge of individual collieries is only slight, it is possible, with some approach to accuracy, to trace the general trend of development. The case of the landowner working his mine seems to have been comparatively rare at this time. Where no immediate scarcity of fuel, either for domestic or industrial use, was felt, the inducement to engage in mining was only slight. Moreover, in some cases the digging for coal was opposed to the interest of the landowner, who derived a handsome profit from the sale of underwood and firewood. But it is not possible to lay down hard and fast rules. The rapidity with which coal-mining separated from agriculture may serve to show that mining was unsuccessfully undertaken by the owner, who, in disposing of his mine, facilitated the entry of the capitalist. To bring these two contradictory statements into line, it must be borne in mind that the success of any enterprise involving the expenditure of capital must be measured in

[1] S. P. Gent, *City and Country* (1667).

terms of profit, and with the deeper and more extensive working, the element of risk was considerably increased. Mines were opened which could not prove profitable to the seventeenth-century investor, obstacles were encountered, which became too heavy for his technical devices and simultaneously with the general expansion of the industry the complaint was made that coal-mines were decaying.

The names of those who attempted coal-mining in the early years of the seventeenth century are only partially known to us. One name, that of Huntington Beaumont, has been preserved by Grey, author of the *Chorographia*, who refers as follows to his activities :

" I can remember one of many, that raised his estate by the coal-trade ; many I remember, that have wasted great estates. . . . Mr. Beaumont, a gentleman of great ingenuity and rare parts, adventured into our mines, with his £30,000, who brought with him many rare engines, not known then in these parts. . . . Within a few years, he consumed all his money, and rode home upon his light horse." [1]

Beaumont's claim to a place in the history of early coal-mining is beyond doubt. To his initiative is due the introduction into the Northern coalfields of methods of working which in time were destined to revolutionise the whole industry. His fame is not that of an inventor. There is no reason to believe that " the rare engines " commented upon by Grey were invented by Beaumont. On the contrary, available evidence shows that the part played by Beaumont was that of a capitalist directing his energies towards the development of new resources. Much interest has subsequently centred around his name and achievements. His identity has now been established as that of Huntington Beaumont of Bilborough, near Nottingham.[2]

It is unfortunately not possible to fix an exact date for Beaumont's mining ventures in the north. If Grey, writing

[1] Grey's *Chorographia* (1649, reprint Harleian Miscellany, 1809, III, pp. 279–80.)

[2] Craster, *Hist. of Northumberland*, IX, p. 229.

in 1649, remembers his attempt and failure, Beaumont's activities may be fixed at any date in the first quarter of the century. Beaumont died in 1623.[1] Between the years 1602–1610, Beaumont appears to have been one of a company of capitalists from the Midlands who took over the lease of the coal-mines in Cowpen and Bebside.[2] In 1610 we find him engaged in coal-mining at Strelley, near Nottingham. He is referred to in a letter now preserved among the Middleton MSS.

"Mr. Huntington is to have Strelley agen, paying £3,300 within one yeare and six moneths next; his entrance is now. He hopeth of £1,500 gayne from Bedlington pittes this yeare for his parte and £500 from Strelley for his part towardes the payment aforesaid." [3]

Beaumont seems to have continued his mining operations in the Midlands for several years. A letter dated in 1615, from Huntington Beaumont to Sir Percival Willoughby, has been preserved. The closing sentence is of peculiar interest as giving Beaumont's own opinion, on the difficulties which beset the seventeenth-century mine-owner.

"I am alreadie so far in boundes aboute theise businesses as were they to begin againe, all the coole-mines in Englande sholde [stand] alone for me before I wold adventure so far for them all." [4]

A brother[5] of Huntington Beaumont—Sir Thomas Beaumont—was also engaged in coal-mining. He had a lease of ground from the city of Coventry.[6] He is also mentioned as the owner of a coal-mine at Bedworth.[7]

It is of interest to note that contemporary opinion as to the gainful pursuit of coal-mining was extremely dubious. Whenever reference is made to coal-mines, stress is laid on the probable loss rather than on the gain of these under-

[1] *Ibid.*
[2] *Ibid.*, p. 227.
[3] *Hist. MSS. Comm. Middleton MSS.*, p. 176.
[4] *Ibid.*, p. 183.
[5] *Ibid.*, p. 177.
[6] S. P. Dom. Jas. I, cxxxiv, 32.
[7] S. P. Dom. Chas. I, cciv, 83.

takings. With the exception of the author of *The Compleat Collier*, who maintains "indeed, were it not for Water, a Collery in these Parts, might be termed a Golden Mine to Purpose,"[1] most writers offer advice against undertaking what appeared to be too heavy risks.

In days when the methods of prospecting for coal were only primitive and simple much was left to chance, and it is likely that due caution was not exercised in ascertaining whether the mineral was present in sufficient quantity to warrant the outlay.

The nature of the industry was highly speculative and in addition offered full scope for the less scrupulous. It is therefore probable that the investor with only slight knowledge of mining or local conditions of work and sale readily came to grief. But the fact that mining continued, and that the industry as such flourished under a steadily growing output, implies that the few succeeded where the many failed.

When the proprietor of the soil parted with his right of mining the terms of agreement entered upon would either be a fixed sum or a share in the quantity of coal raised. The latter method was probably favoured in districts where only a "land" market, and then possibly a very limited one, was available, while in the northern mines, where access to river or sea-transport made an extension of markets possible, a fixed rent would be more common.

It is not possible, even approximately, to estimate the amount of capital required to sink a mine or set going a colliery in the seventeenth century. Figures dealing with such expenditure have been preserved, but detached as they have become from the details of the working, they cannot serve to convey a true estimate. Coal-mines at Ufferton had fallen into decay through being left unworked. The owner in his petition sets forth the expenses incurred thereby.[2] In 1610 the coal-owners at Newcastle, fearing com-

[1] *The Compleat Collier* [reprint, Richardson], p. 24.
[2] *Cal. S.P. Dom.* Addenda, 1580–1625, p. 327.

petition from mines at Sunderland, where working expenses were lower, maintain that they will be obliged to leave their mines unwrought on which have been expended "manie thousandes of poundes." [1]

In a suit concerning coal-mines near Coventry, the petitioners state "That at the charge of at least a thousand pounds, they sett their pit on work," while the defendants assert that their expenditure has been "at least Four Thousand Pounds." [2] Houghton, refers to the draining of a mine on which "between nine hundred and one thousand pounds" had been expended.[3] In *The Compleat Collier* the outlay in connection with the sinking of a shaft is placed as high as £1,000.[4]

We cannot attempt to bring these figures into relation with contemporary values, but the appearance at this time of partnerships for working coal-mines points to the fact that the expenditure had proved too heavy for the single adventurer. Mines at Bedworth near Coventry were in the reign of James I worked by John Briggs and his partners.[5] An interesting example is also found in connection with coal-mines near Nottingham where the Council in 1630 shared with the "common burgesses" the expenditure of sinking coal-mines in the woods and wastes. The inducement to share in this undertaking was a return of 500 per cent. on capital invested, to be raised "upon the sale of the Coles soe gotten." The time allowed to the prospective investor for considering this offer was limited: "after the worke begin, none shall be admitted to adventure in anie wise." [6]

[1] Brit. Mus. *Lansdowne MSS.* 169, fo. 46, also *Records of the Comp. of Hostmen* (Surtees Soc. Pub.), Vol. 105, p. 58.

[2] S.P. Dom. Chas. I, cciv, 83.

[3] Houghton, *Collection for the Improvement of Husbandry and Trade* (1727), I, p. 105.

[4] *The Compleat Collier*, p. 23.

[5] *Cal. S.P. Dom.* 1619–23, p. 459; see also Scott, W. R., *Joint Stock Companies*, II, p. 460. "In 1653 an important company with a large membership (including Oliver Cromwell) was formed to mine coal and smelt iron in the Forest of Dean)."

[6] *Nottingham Borough Records*, V, p. 144.

The rich promises were, however, never fulfilled. The attempt to raise coal seems from the outset to have been doomed to failure. The force of water and the expense of sinking greatly hindered any progress. Moreover, it would appear that the venture was too rashly entered upon, for twenty years later, in 1650, when expert advice was sought, it was agreed upon to discontinue the work and cover up the pits.[1]

From references to a mine in the county of Durham, we gather that here several partners had supplied the necessary amount of money, "the whole into eight parts equally to be divided of the Collyrys and Coalemines."[2]

An interesting account,[3] dealing with quite a different type of mining adventure, is derived from Lancashire. The rare instance of coal being worked by a group of miners who, not as wage-earners, but on the basis of a contract, entered upon the work of raising coal, is met with here. These men, who presumably were "skilled" workers or at least possessed some considerable knowledge of mining activities, as seen in their anticipation of obstacles likely to retard output, were to provide their own candles and tools and were to be paid a fixed price for every quarter of coal which they dug.

The contract was binding for a year and was entered into in February 1636 by Bishop Bridgeman, owner of the mine at Farnworth and some Wigan colliers.

Scattered throughout the local histories of mining districts may be found instances of mining for coal being started by tenants or copyholders, who, possessing the claim to a certain plot of land, attempted to raise coal. These efforts were often only shortlived and spasmodic and most frequently ended in a transgression of rights, which lead the initiator into Court. Only a brief reference to them need be made. Their only contribution to the history of coal-mining is the confirmation of the assertion that, by the

[1] *Nottingham Borough Records*, V, p. 272. [2] Chancery Proc. 293/3.
[3] *Trans. Lancs. and Cheshire Antiq. Soc.*, VII, p. 60.

seventeenth century, the industry had reached a stage where capital was needed for its successful pursuance.

Apart from the initial expenditure, which was necessary in starting mining operations, a considerable margin for running expenses had to be allowed. It is probable that the frequent failures were due to neglecting or underestimating these. The equipment of the miner did not involve the employer in heavy expenditure. The tools were simple, and though rough usage would necessitate frequent renewal, this did not constitute a notable item of cost. The provision of candles, ropes and baskets were articles for which a true estimate could be made beforehand. For the transport of coal, horses had to be provided, but this outlay, in common with the others enumerated, could all be calculated in advance. But the expenses which might be incurred when work was once started defied any previous calculation. Unexpected layers of stone might be encountered, which would delay output and send up the wage-bill. Water could arise and threaten the whole undertaking with destruction.

In the northern coalfields the right of "Way-leave and straithroom" added a considerable burden to the working expenses of the mine. Where the mine-owner did not possess the land over which the coal had to be carried he was obliged to pay a heavy rent for the right of way.

It was a matter which was constantly brought forward at the meetings held by the members of the company of Hostmen at Newcastle. When the mines nearest the river became exhausted and supplies had to be derived from a distance from the Tyne the question became one of supreme importance. At one time the hostmen referred the high price of coal to the increased rents paid for this right.[1]

The output of the seventeenth-century colliery was small. Some are estimated to have produced about two thousand tons per annum, others three or five thousand tons.[2] "If the Pit is about 60 Fathom," writes the author

[1] *Records of Company of Hostmen*, pp. xl and 151.
[2] Dud Dudley, *Metallum Martis*, p. 35.

of *The Compleat Collier*, " about 21 Scores of Corves of Coals wrought, and drawn per Day is a good Day's work." [1] Towards the end of the century a total of 18,904 tons is given as the yearly output from Sir John Lowther's mines in Cumberland.[2] From mines in Pembrokeshire were daily raised eighty or a hundred barrels of coal.[3]

From an old book of accounts, preserved in the Library at Wollaton, it appears that though large sums of money were received for coal, the whole profit derived from the mines during a period of thirteen years only amounted to £3,125 os. 8*d*.[4] The quantity of coal yearly raised from the mines in Kingswood Forest during the reign of James I was calculated at the time to be worth £500.[5] From a report on the coal-mines at Clutton, we have the following details :

" Adding for candles, increase of wages for work by night, ropes, sharpening of tools, baskets, etc., the whole week's charge may arise to three pounds. Reckoning 100 horse loads a day at threepence the receipt coming to £7 10*s*. the week, and the net gain is £4 10*s*., of which one-fourth for the tenant, and the rest remaineth for the lord." [6]

Records dealing with coal-mining at Clifton, near Manchester, reveal that coal raised from these mines during seven months, from September to April, yielded a profit of about £40–£60.[7]

From the above-quoted figures it is evident that the accumulation of wealth from profits derived from these coal-mines would be a slow process. A feature, common to all, was the limitation of markets, all being " land-sale " collieries. A sharp contrast, however, is presented when we

[1] *The Compleat Collier*, p. 32.
[2] *Vict. Count. Hist. Cumberland*, II, p. 361.
[3] *Cambrian Register*, II, p. 107.
[4] *Hist. MSS. Comm. Middleton MSS.*, pp. 522–3.
[5] From the Survey of Kingswood Forest ordered by the king in 1615, cited Braine, *History of Kingswood Forest*, p. 60.
[6] *Hist. MSS. Comm. Cowper MSS.* I, p. 71.
[7] Exchequer Dep., 4 Jas. II, Easter, No. 21.

turn to the mines in the northern coal-field. At Harraton, in the county of Durham, the daily clear profit of a colliery was estimated at about £15, amounting in the year to about £5,475.[1]

The rich rewards which mining offered were therefore not to be sought in every district where the mineral was present. Like Huntington Beaumont, the adventurer of the day turned his attention to the coalfields in the north. Here the possibilities for developing an extensive trade promised and yielded a rich reward. But the reward was zealously guarded by local interests, and strong resentment was felt against the intruder from without. In the words of a contemporary :

"It hath often been observed that South-Countrymen do very seldom get any thing but trouble by undertakings in Collieries, it being the nature of many North Country men to have a kind of Antipathy against the thriving of any but themselves." [2]

Towards the close of the century two coal districts, which had hitherto been of only slight significance, now came into prominence. The development of coal-mines in Cumberland, chiefly at and near Whitehaven, was undertaken at this time. A still more rapid progress was soon to become evident in the large South Wales coal-field. The Cumberland mines found a steady demand for coal in the Irish market and entered into competition with the Flintshire mines whence coal had hithetro been supplied. The South Wales mines supplied the South of England and at times London.[3] From the mines at Brittonferry, in the possession of the Mansell family, great wealth is supposed to have been obtained, a fact to which Defoe refers as follows :

"Kynfig Castle is now the seat and estate of Lord Mansel, who has here also a very Royal Income from the collieries. I

[1] Bell Collection, Vol. XVI, Institute of Mining, Newcastle-on-Tyne.
[2] S. P. Gent, *City and Country* (1667).
[3] *Cal. S.P. Dom.* 1667–8, p. 336, and S. P. Dom. 1666–7, p. 567.

say Royal, because equal to the Revenues of some Sovereign Princes." [1]

But the history of these mines belongs to the eighteenth rather than to the seventeenth century.

In dealing with the coal-mining industry, more especially with the coal trade, at this period, it must be recalled that the industry was still far distant from that solidarity which at a later age was to prove its greatest strength. The coal industry was throughout the country at various stages of development. This inequality was due to different natural conditions to which science and mechanical skill had as yet not brought their levelling power. While in some districts mining activities were reminiscent of early primitive methods, there were in other districts unmistakable proofs of advance. One factor which perhaps more than any tended to retard simultaneous progress was the lack of adequate means of transport where access to sea or river was excluded. That the coal industry near the coast of Northumberland and Durham should far out-distance contemporary mining activities will be readily understood.

The mines in this district supplied not only London and the adjoining counties with coal, but a considerable export trade with the Continent was successfully maintained. The Newcastle coal trade touched contemporary life at many points. The monopolistic practices to which the trade lent itself gave rise to numerous controversies in which the Monopolist, Anti-Monopolist and " free " Trader were equally interested, while the consuming public, at the mercy of dealers and middlemen, began to feel that the coal trade was to blame for the rise in price of a commodity which was rapidly becoming indispensable to daily welfare. Besides these, there were others who took, apart from profit and prices, an increasing interest in the coal trade. There were sections of the community which stressed its national rather than its economic aspect, to whom the coal-trade was first

[1] Defoe, *Tour Through Great Britain* (edit. 1724), II, p. 83.

and foremost "the true parent and support of our Navigation." And finally, there was the specific interest which the Crown attached to the coal trade from which it derived a considerable yearly revenue.[1]

Newcastle, situated in a district rich in coal-mines and enjoying in addition a geographical superiority over possible rivals, took the lead in the rising coal trade. But its merchants and traders did not build their fame and fortune entirely on such happy accidents. They were fully aware of the commercial possibilities within their grasp and made the utmost of their position. The history of the Company of Hostmen has been told elsewhere.[2]

There are no records to show how and under what conditions the hostmen acquired their monopoly as against their fellow-freemen.[3] But it is of peculiar interest to note that when in 1623 an Act was passed, in response to a general outcry against monopolies, it provided, that nothing therein contained should be prejudicial to the privileges of the hostmen of Newcastle concerning the sale of coals.[4]

The purpose for which the company was originally formed was that of trade, but at an early date the merchants came to realise the advantages to be gained by controlling not only the distribution, but the production of coal. Coal-mines were acquired and the hostmen became mine-owners as well as coal traders. This movement towards ownership was greatly accelerated by the transference towards the close of the sixteenth century of valuable coal-fields to the Company. The various transactions by which mines belonging to the see of Durham finally became the property of the hostmen have become known as the "Grand Lease." On April 26, 1582, Queen Elizabeth obtained a lease of the manors of Gateshead and Whickham with the coal-mines, common wastes and parks in both, from the Bishop of Durham, for

[1] "That place (Newcastle) is worth more to the King in customs and coals than all the revenue of Scotland by far." *Cal. S. P. Dom.* 1640–1, p. 50.

[2] *Records of Company of Hostmen* (Surtees Soc. Pub.), Vol. 105.

[3] *Ibid.*, p. xxxi.

[4] 21 Jas. I, c. 3, xii.

ninety-nine years, at the annual rent of ninety pounds. This lease the Queen is said to have granted to the Earl of Leicester.[1]

How the property finally passed into the possession of the company of hostmen is open to some doubt. It is generally supposed that Leicester having procured the lease from the Queen, either sold or gave it to Thomas Sutton of Charterhouse, who, after successfully working the mines from which a share of his large fortune was made, disposed of it to the town of Newcastle for sums variously quoted at £12,00 and £500,000.[2]

When the " Grand Lease " was granted to the town of Newcastle it was stated to be for " the use of the mayor and burgesses, and free honest men." [3] But the close connection which existed between the town-government and the leading traders[4] may go far to explain how the right came to be restricted to a small number of hostmen ; for " in order to keep the whole commodity in their own hands they admit no one to be a mayor of Newcastle who is not one of their co-partnership in the Grand Lease."[5]

How the hostmen conducted their business is a matter of considerable interest. While their opposers attributed every activity to monopolistic exploitation, the hostmen could often retort by pointing not to their monopoly but to the diversity of the membership of their company. This was notably the case when the hostmen were accused of " quartering the sales," a device made by the company in order to give each member a share in the sales.[6] Coal raised from the mines included in the " Grand Lease," as well as coal derived from collieries belonging to individual hostmen

[1] Brand, *Hist. of Newcastle*, II, p. 268 ; and Welford, *Hist. of Newcastle*, II, p. 501, and III, p. 18.

[2] *Records of Company of Hostmen*, p. 2 n. [3] *Ibid.*

[4] In a petition to the King in 1637, the Mayor, Sheriff and Inhabitants of Newcastle-upon-Tyne, state that their principal means and estates are their collieries in the counties of Durham and Northumberland. *Cal. S.P. Dom.* 1637, p. 505.

[5] *Records of Company of Hostmen*, p. 8.

[6] *Ibid.*, p. 23.

had to be disposed of, while in addition there was the group of hostmen who possessed trading rights yet no mining property. Agreements were accordingly drawn up subject to a yearly alteration.[1] An estimate was made of the quantity to be sold and the hostmen contributed their share according to their position within the company.

In the attempt to limit supplies the hostmen, however, made full use of their monopoly. Mines were laid idle when coal was plentiful and prices were falling. They were accused of withholding supplies. " They have store enough at the mine, but they provide so that there is a small store or none at the waterside." [2]

From their favoured position the hostmen could at most times successfully control output and trade, but in 1665-6 more coal appears to have been produced than could be profitably disposed of, and a meeting of the " several principal traders in coal " was therefore called. A document relating to the proceedings has been preserved.[3] A serious debate took place, at which it was stated

" that there is a great quantity of coals, now wrought and lying at pits and steaths, which . . . cannot be vended in the insuing summer, and that if more coals be wrought it will . . . bring such necessities upon the owners of mines as that they will not have money to keep on their water charge and other nec. charges for preserving the colliery. . . ."

To prevent this it was suggested and agreed upon to close down the collieries for a period of five months, till the conditions of sale became more favourable.

If the hostmen's endeavours to manipulate the trade could wholly or partly be justified by the rights implied by their monopoly, no justification could be found for their exploitation of the consumer in respect of both quality and quantity. References, throughout the century, to the mingling of good and bad coals and indifferent measure

[1] *Ibid.*, pp. 63, 67, and 72.
[2] *Records of Company of Hostmen*, p. 3.
[3] From a copy of the original in the Bell Collection, Vol. VII.

are frequent. The Newcastle pits at this time yielded two kinds of coal, known as " the top coales " and " those gotten lower down."[1] It was found that a superior quality was derived from the lower deposits. This was the kind desired for domestic purposes, while the inferior quality was mostly sold for industrial use, especially for the saltpans.[2]

The coal trade seemed to have lent itself readily to deceitful practices. The many hands through which the commodity passed, the varying size of the chaldron and the different measures adopted by the wholesale and retail trade greatly facilitated such attempts. The hostmen sold the coal according to the Newcastle chaldron, while the London consumer bought by the sack. The woodmongers who were largely responsible for the retail trade were known to use wet sacks and sacks of varying sizes.[3]

The spreading of false rumours also was a favourite device in days when the transmission of news was slow and irregular. In 1667 a report was spread to the effect that the sea had broken in on the Newcastle collieries and that most of them were lost through being flooded, " but it proves a juggle of the coal-sellers to keep up their excessive rates."[4]

I have attempted to present in outline some of the features characteristic of the coal industry and trade in the seventeenth century, and to indicate its increasing significance. The question then naturally arises : " What was the attitude of the State to this new mining industry ? " When mining for coal no longer depended upon other industries, and, moreover, showed undeniable signs of profit, time had come for Government to adjust its relations to this new factor in economic life. But the attitude of the Government towards the coal industry in the seventeenth century was peculiarly lacking in any consistent policy. An attempt to foster a monopoly and at the same time to reduce prices

[1] Star Chamber Proc., Jas. I, 28/18.

[2] S.P. Dom. Chas. I, cclxxxix, 109, " cheap coles and not fitt for any other thing than making of Salt."

[3] Star Chamber Proc., Jas. I, 28/18.

[4] *Cal. S.P. Dom.* 1666–7, p. 523.

was bound to fail. The policy, so far as there was a policy, was dictated by the Stuarts' anxiety to meet increasing expenditure, and the coal trade offered a fruitful field for exploitation. The industry was repeatedly taxed and various duties were imposed. The curious medley of grants, privileges and rights, which from time to time were given to courtiers and speculative adventurers in exchange for substantial sums of money, show an astonishing disregard for the welfare of the industry, while the danger to be feared from a multitude clamouring for fuel was sufficiently suggestive of political unrest to call forth attempts at fixing prices. In short the measures adopted by the State were dictated by political rather than economic need. The days were yet to come of which it could be said:

> 'Tis Coal that makes our Britain Great,[1]
> Upholds our Commerce and our State.

Coal had been taxed previously to 1421, but in that year taxation was regulated by an Act,[2] and the sum of 2*d.* per chaldron was payable to the Crown on all coals sold to persons not franchised at Newcastle. This duty had not been stringently enforced, and in 1599 Queen Elizabeth demanded that the arrears should be made up. The coal-traders and freemen were opposed to this, and petitioned the Queen to cancel the arrears, and offered to charge themselves and their successors in perpetuity with one shilling per chaldron.[3] To this the Queen assented.

A further duty of 10*d.* per chaldron was imposed on coals sent over sea; if shipped in English ships the duty was reduced to 8*d.* These duties were charged at the port of shipment. In addition, a tax of 4*d.* per chaldron was levied by the corporation on all coals imported into the port of London.

James I increased these duties and taxes as follows: An

[1] Cited title page Bell Collection.
[2] 9 Henrici V, c. x.
[3] *Records of Company of Hostmen*, p. xxxii.

export duty of 5*s.* per chaldron was levied, which was increased to 8*s.* 4*d.* to which was further added a duty of 1*s.* 8*d.* per chaldron on coal exported in ships belonging to aliens, making 10*s.* duty to foreigners.[1] To defray expenses in connection with the office of surveyor of Newcastle coal, a charge of 4*d.* per chaldron was made. A similar sum was payable in town dues to Newcastle.

In 1634 King Charles, by his own authority, added a further duty of 4*s.* per chaldron on all coal exported abroad, and in 1637 the King, according to Gardiner, created a new corporation of free hostmen,[2] and the following year mention is made of a company of coal-buyers. These schemes both fell through. Charles I, however, did not relinquish his speculative interest in the coal trade and put forward a scheme which had probably been contemplated at an earlier date,[3] of drawing the whole of this lucrative coal trade into his own hands.

What effect this last measure might have had can only be vaguely estimated. Civil War intervened, and the scheme was consequently abolished. The Long Parliament put an end to the monopolistic practices which Royal favour had encouraged, but after 1660 there is a return to the old policy. Renewal of rights and new privileges were granted.[4]

In addition to duties which served exclusively the purpose of the Crown, impositions [5] were levied on the coal trade to serve a wider purpose. Substantial sums of money were thus raised for the rebuilding of St. Paul's Cathedral and other London churches destroyed in the big fire, similarly sums were raised for the relief of London orphans and other Creditors of the City of London.

From this list of arbitrary taxes the conclusion must be drawn that in the seventeenth century the coal trade was

[1] *Cal. S.P. Dom.* 1644–5, pp. 98, 99.

[2] Gardiner, *England's Grievance Discovered in Relation to the Coal Trade* (1655), reprint 1796, p. 55.

[3] *Cal. S.P. Dom.* 1635–6, p. 292.

[4] *Ibid.*, 1664–5, pp. 182, 328.

[5] 19 Car. II, c. 3, xxxvi, and 22 Car. II, c. ii, xxxviii.

exceedingly profitable. There are no records to show that the State took any interest in coal-mining as an industry, or that the impositions levied on the trade had any relation to what the "industry could bear." On the contrary, when occasion arose the coal trade appears to have been assessed to supply the current need. The coal-industry, however, seems to have been proof against measures which would have been detrimental to most industries. The hostmen of Newcastle who held the monopoly for the sale of coal offered little resistance. The specific conditions of the time which provided the industry with cheap labour and a steady demand enabled it to prosper and expand. To the specific conditions of the time must also be attributed the fact that the trade in coal could be dealt with as if it existed apart from the mining for coal. In the seventeenth century this appears to have been possible. While little is heard of the coal-mines, there is constant reference to the coal trade.

It was left to a later age to discover the enormous possibilities of this mineral wealth. In the nature of things it was not possible for anyone in the seventeenth century to discern these. Coal had become available at a time when the country's supply of wood was severely threatened and habit gradually established its position as a recognised necessity. Wider investigation of its possibilities for industrial expansion was beyond the scientific attainments of contemporary experts, yet sufficient had been done to lay the foundation of a great industry, and coal-mining was handed on to the next century as a valuable asset in the industrial economy of the nation.

DEVONSHIRE PORTS IN THE FOURTEENTH AND FIFTEENTH CENTURIES

(*Alexander Prize Essay*, 1925)

By Miss Frances A. Mace, M.A.

Read 11 *June*, 1925

The reputation won by Devonshire ports and seamen under Elizabeth has tended to obscure their growth and achievements in the later Middle Ages when a solid foundation of maritime enterprise was laid. A study of this growth gains interest from the characteristic differences of north and south and from marks of individuality such as the steep and rocky entrance to Dartmouth, the treacherous and sand-barred estuary of the Exe, the steeply shelving beaches where quays are even now unnecessary, and the marshy valleys which sometimes form their background.

In spite of modern developments, no Devonshire port is devoid of roots in the past. Even Torquay, a nineteenth-century mushroom, carries on the fishing and trading activities of mediæval Torre Mohun. Nor has one mediæval port of repute wholly lost its ancient character. The glory of certain old river ports such as Totnes and Topsham has indeed largely departed with the increased size of trading vessels, yet fifty years ago the shipyards of Topsham were held in repute, and foreign sailing-vessels of curious build are still common on the lower Exe.

The ancient importance of up-river ports as compared with their more modern rivals at river-mouths is not peculiar to this county. Yet the remarkable continuity of municipal life in the two most obvious examples—Totnes and Exeter—makes us almost cease to feel surprise at the Chronicler's

statement [1] that the former was favoured by giants and the latter by Vespasian. Plymouth indeed venerated its Hoe as the site of a combat between Corineus, "Duke of Cornwall," and Goemagot,[2] but the most famous coast-town of mediæval Devonshire had to borrow lustre from the landing of Brutus "at Dartmouth in Totnes shore."

The ebb of commerce to the river mouth marks the view, tenable as government became more stable, that wealth arising from nearness to the sea more than balanced the greater security of inland towns and their proximity to ancient roads and trackways. So in 1328 Plympton replaced Tavistock as a coinage town, the tin-miners having proved "the cost and inconvenience of Tavistock . . . by reason of its distance from the sea." [3] So to Hooker, three centuries later, the decay of Totnes as a port was an accepted fact since "the Ryver of Darte w^{ch} yn tymes paste was navigable for shippes of greate bourdon," had been silted up with sand from the Dartmoor tin-works. The fact that Exmouth never developed at the expense of Exeter may be due to the advantages of geographical situation and of historical prestige which "the faithful city" enjoyed even when the ingenuity of Isabella de Fortibus and her successors had procured much of its sea-borne trade for Topsham.

In the fourteenth and fifteenth centuries danger at sea from pirates, English or alien, and the ineffectiveness of letters of protection, had to be set against the neglected condition of many roads and the existence of armed robbers. Land perils have sometimes, perhaps, been exaggerated, for royal messengers [4] travelled by road to the fleets in south-western harbours, and sums of four and five thousand marks

[1] The mediæval *Chronicle of Exeter Church* (ed. O. Reichel), and Hooker in his *History of Exeter* (Devon and Cornwall Record Society), which includes *The Description of Dodones*, both follow Geoffrey of Monmouth.

[2] Plymouth Receivers' Accounts show that these figures, cut in the turf, were periodically renewed.

[3] *Cal. Pat. Rolls*, 1327–30, p. 240.

[4] *Issue Roll*, 44 Ed. III, 272, 274.

were guarded only by two archers and a clerk. The distance, too, was covered with considerable speed. In the fourteenth century archers accompanying the paymaster to Dartmouth took only thirteen days "going, remaining and returning" to London, fourteen days being taken for the return journey to Plymouth. The next century saw John Shillingford leaving Exeter[1] on Friday to reach London the following Tuesday, and Bishop Stafford taking, on several occasions, only two days to ride from Clyst to London. The sea-route was naturally taken by serjeants-at-arms sent to retain ships for military transport at ports great and small, and the fourteen days' voyage of the "James" of Ottermouth from the Exe to London was regarded by her crew as a normal one.[2]

Free land communication between these ports was hindered to no small extent by certain rivers, shallow and full of sandbanks at low tide, but difficult of negotiation in the teeth of incoming tide and wind. The ferries, which must still be used if a circuitous journey is to be avoided were owned by the town or by the lord of the manor, and were—judging from the quarrels arising therefrom—a valuable source of revenue. Yet Exeter laid so little store by hers that her ferry-boat was allowed to remain several years in disrepair during the Black Death.[3]

To the river port the bridge was a commercial necessity of the first importance: "the king's hygh waye and the comyn passage of all the king's subjects."[4] Spanning the river at the lowest point made practicable by width and tide; crowned by at least one chapel; having its own wardens,[5] its own seal, and usually its own legend, the bridge was a link not only between the town and the outside world, but between the religious and commercial aspects of municipal life.

[1] In 1447, for the prosecution of the city's suit against Bishop Lacey.
[2] Early Chancery Proceedings, 51/151, 54/88.
[3] Exeter City MSS. Receivers' Accounts 1348–54.
[4] *H.M.C. Report on Exeter City Records*, 288.
[5] Bridge-wardens' accounts are preserved among the municipal records of Exeter, Totnes and Barnstaple.

Hence bequests by citizens and merchants,[1] episcopal indulgences and parochial collections "ad emendationem pontis."

A stable economic background was a determining factor in the prosperity of all these ports and in their relative importance. In prestige if not in population Dartmouth in the thirteenth and fourteenth centuries stands pre-eminent; the depôt for Dartmoor minerals, it is the only worthy rival of Fowey, which also combines naval convenience with proximity to a mining area. Exeter, whose central position in a wool-growing district is emphasised by its choice as a staple town, figures largely, but in a somewhat different category owing to its ecclesiastical interests. Plymouth, though developing rapidly, is less conspicuous until its prosperity, fostered by the Vautorts, is confirmed by its connection with the newly formed Duchy of Cornwall and by the activity of its inhabitants in the French wars. Certainly the fitting out of the Black Prince's fleet in 1355 seems to have given a stimulus to the trade of Plymouth, judging from the subsidy roll of 1377. Probably a considerable extension of trade helped to balance the loss of £10,000 "as well by adventure of the sea as otherwise" of which the borough complained in 1464. Totnes, secure among its hills while building on its old commercial foundation a flourishing wool-trade, and Topsham, closely linked with Exeter by shipyards and customs organisation, are next in importance. Teignmouth, Exmouth and Brixham appear chiefly in connection with breaches of the peace by their seafaring inhabitants. References to the northern coast, less well endowed with natural harbours and more distant from France, are fewer. The importance of Barnstaple rests chiefly on its large export of cloth,[2] in whose manufacture it excels Exeter itself.[3] The history of

[1] E.g. Walter Gervase and John Nymet, whose wills are among the Exeter City MSS. Also by clergy; cf. *Episcopal Registers of Exeter* (Stafford), 385, 412, 418.

[2] K. R. Customs, 1/1. 7–8 Henry IV.

[3] Especially in the late fourteenth and early fifteenth centuries. *Trans. Devon. Assoc.* XLIV. The Aulnager in Devon.

"Bedeford apon Turege"[1] is yet to be made, and Ilfracombe is content with the reputation it already enjoys as a port for Welsh and Irish traffic. The Roll of Calais may be unreliable in its record of the naval contributions made by these ports to the Calais operations of 1346–7. Yet the numbers[2] probably give a not unfair impression of their relative importance at the outset of the struggle which was to alter their fortunes so materially.

River ports are as well represented by Exeter and Totnes as by any towns in the county, and their situation and general plan are not dissimilar. In each case the walls, still traceable, enclosed a space roughly oval in shape and bisected lengthways by the usual High Street and Fore Street. In each case the walled area was small—in Totnes only 300 by 200 yards—and was guarded or threatened according to circumstances by the motte and shell keep occupying the corner highest and farthest from the river. The usual four gates in each case pierced the walls at fairly regular intervals and commanded the main roads to neighbouring towns. Exeter, whose wall at one point approached the river, had also a water-gate. Both towns at an early date straggled beyond their walls[3] and joined the warehouse and mills fringing the river. This in each case encircled an island close to the bridge and was subject to floods owing to its marshy bed; consequently both bridges needed constant repair. Both towns were built on a hill rising steeply from the river and both were surrounded by hills. In both the centres of civic and religious life were separated by only the shortest distance; both had houses of friars[4] occupying low ground near the river—an undesirable site; in both the

[1] Leland's *Itinerary* (ed. Toulmin-Smith), I, 171.

[2] 47 ships from Fowey, 31 from Dartmouth, 26 from Plymouth, 6 from Ilfracombe, and seamen in proportion.

[3] The commercial prosperity of Totnes at this time caused the expansion of business premises at the expense of the south wall, and (according to Alderman C. F. Rea) the construction of the "Bastewallys," erroneously printed "Eastewallys," in *H.M.C. Report*, III, 342.

[4] Franciscans in Exeter, Trinitarians in Totnes. The Exeter Dominicans were near the Cathedral.

bridge continued the line of the main street, itself on the site of an older road or trackway. Finally, large ships could reach the quays of neither town in this period, the Exe being blocked by Courtenay engineering [1] and the Dart considerably silted up. Small craft were therefore much used for the carriage of goods up river from Topsham and Dartmouth respectively.

Leland's familiar description of the twelfth-century nucleus of Plymouth would probably be a fair estimate of the average Devonshire coast port until commercial enterprise and antagonism to France combined to raise its status, as Camden [2] noted, "from a fishing village to a large town, for populousness equal to a city." In the absence of these factors progress was evidently slow.

The nearness of the Breton coast made the fortification of South Devon ports a necessity at this time. The construction of defensive works might be undertaken by private citizens in a burst of patriotism or by royal command in face of threatened danger, but their upkeep devolved upon the townsfolk. Leland noted that "the mouth of the gulph wherin the shippes of Plymouth lyith, is waullid on eche side and chainid over in tyme of necessitie. On the south-west side of this mouth a blok house; and on a rokky hille hard by it is a stronge castel quadrate having at eche corner a greate rounde tower." [3] The castle was probably the result of bitter experience in the early days of the Hundred Years War' when local shipping suffered at the hands of French raiders,[4] the towers being a later bid for security.

The barbican and chain across the entrance to Sutton Pool was a device familiar also at Dartmouth, Kingswear and Fowey. Here it gave colour to the legend that Edward IV commissioned the men of Dartmouth to remove the chain

[1] Hugh de Courtenay blocked the passage which Isabella de Fortibus had left through Countess Weir.

[2] *Britannia*, I, 25. Cf. Leland's *Itinerary*, I, 203. Fowey flourished "partely by feates of warre, partely by pyracie, and so waxing riche felle al to marchandice."

[3] *Itinerary*, I, 214.

[4] *Murimuth* (Rolls Series), 89–90.

to punish Fowey for its impenitence in the matter of truce-breaking and smuggling.

Evidently these defences were regarded as a burden when early enthusiasm for the war had subsided. In 1388—perhaps a belated result of the invasion scare of '83—the mayor and bailiffs of Dartmouth were ordered to compel the men of the town to contribute, according to agreement, to the building of a fortalice at the entrance to the port, unduly sparing none and certifying the names of rebels to the king. The burgesses had promised an aid, " the seamen and fishers of the town binding themselves with an oath speedily to accomplish these things," but the example of a few malcontents was proving infectious.[1] Yet the burgesses of Dartmouth about this time complain of the burden of towers begun " devant le temps des trewes " and wish to meet the cost by a tax on all merchandise entering the town.[2] Perhaps this move failed to meet the case, for although a few years later " many men of Brittany have lately invaded the realm . . . and have burnt divers towns and killed, wounded, robbed and captured the king's lieges and have assembled in great fleets at sea," [3] yet the defences remained defective. The burgesses moreover assert their inability to sustain the " full grete and importable charge " of " a fortresse upon the entre of the haven . . . for to enclose gonnes, engynes and cheynes for the savacion ther of and especially for the savacion of shippes, bargys, balyngers and other vessels " ; they therefore petition for a licence to purchase lands and tenements to the annual value of £20 " for the fortefying, reparacioun and amendment of the seide fortresse." [4]

Several ports may have felt some slight additional security from fortified private houses and from the manor houses—often in ecclesiastical hands [5]—whose owner might be required " in consideration of the imminent peril . . . to

[1] *Cal. Close Rolls*, 1385–9, p. 537.
[2] Anc. Petitions, 5306.
[3] *Cal. Pat. Rolls*, 1401–5, p. 298.
[4] Anc. Petitions, 5301.
[5] The Bishop of Exeter had a fortified palace at Paignton.

draw to some castle or manor of his nearest the sea coast, there to abide . . . with his household well armed and furnished, to resist . . . any invasion of the king's enemies." [1] The chapels—generally dedicated to St. Nicholas or St. Catherine—planted on quay or headland, were often equipped with alarm bell and sometimes with watch-tower as well as with lantern. Yet none of these safeguards wholly availed against sudden raids, so that burned and ransacked houses near the quays were a familiar sight to Plymouth in 1339,[2] to Teignmouth in 1340, to [3] Dartmouth and Plymouth in 1377. The men of Plymouth indeed urge as a reason for incorporation their sufferings in this respect.

An improvement in harbour defences resulting from an order of 1378 for the murage of the town of Plymouth may have helped to frustrate enemy attempts of that and the following year. Yet the much-debated Breton raid under Jacques de Bourbon,[4] Count of La Marche, and the Sieur du Chastel, lord of Château-Neuf, left Plymouth in the early fifteenth century [5] with six hundred ruined houses on a site thereafter known as "Briton side." This legacy bore fruit with unusual promptitude in October 1403 when a successful counter-raid was launched from Dartmouth against the Breton coast, while the attack of the du Chastels on Dartmouth in 1404 was repulsed with heavy loss by John Hawley and others.

Although the tonnage in these ports was to modern eyes inconsiderable, their wharves can never have lacked interest, piled as they were with every kind of merchandise.[6] Here were freemen of the town, privileged to buy direct from the cargo at their own price, and foreign merchants anxious to avoid so disadvantageous a bargain; local speculators

[1] *Cal. Close Rolls*, 1381–5, p. 269.

[2] *Murimuth*, 89. [3] *Ibid.*, 109 note.

[4] Sent with his brothers to help the Welsh insurrection against Henry IV, *Report of the Plymouth Institution XV*, Part II: Breton Invasions of Plymouth.

[5] Chroniclers give the date variously as 1399, 1400, 1402, 1403.

[6] See Appendix: Cargoes.

early on the spot in the hope of forestalling goods for resale in the town, and searchers of the chief gilds checking for export the quality of the goods of their craft. Here too were customs officers examining or issuing letters of cocket and warrants of "transire," and receiving the cocket fee of 2*d*. Other officials collected on behalf of the town the local customs which varied from place to place, but generally included a small sum from every shipmaster "pro sede navis." Before such ports as Dartmouth and Plymouth had won their independence, tolls on goods there unladed were a profitable seigneurial right,[1] probably guarded by the presence of a bailiff of the Lord of Totton in the first case, of the Prior of Plympton and of the Vautorts in the second. In the early years of Edward III an aulnager or his deputy would be present wherever cloth was unladed, and at no great distance the mayor or bailiffs in whose presence he must measure it.[2] To these must be added, especially at Dartmouth, the many dealers and shippers whose business was the export of tin.

The fishing craft of mediæval Brixham could shelter in a natural harbour running far inland, and hardly a coast village was without a rough quay for landing fish. Of this kind was probably "le Getee de Torrebaie" at which John Hawley of Dartmouth, "arraying in manner of insurrection" two of his balingers with a hundred armed men, relieved the "George" of Paignton of her prize, a captured French wine ship.[3] Plymouth Causey, too, a small pier at the mouth of Sutton Pool, was considered useful enough to justify frequent expenditure for repairs from the fifteenth century onwards.

In view of the complications of the mediæval customs system and of the recognised freedom of coast trade, it

[1] As Inq. ad quod damnum, 34 Ed. I, LXI/1. Grant by William La Zousche to Nicholas de Teukesbury.

[2] *Trans. Devon. Assoc.* XLIV. The Aulnager in Devon.

[3] *Select Cases in Chancery* (Selden Society) No. 96. A stone pier at Clovelly was built in the late fourteenth century.

seems natural to suppose that ports of standing had some kind of bonded warehouse, or at least a customs-free anchorage such as existed at Plymouth.[1] Here, provided goods were not sold or exposed for sale, collectors were to demand no customs or subsidies "from merchants and seamen who touch at a place called Convers in the Isle of St. Nicholas, for safety of their ships and merchandise owing to stress of weather, or for refreshment, or for purveyance in the town of victuals and other things needful." [2] Some accommodation conveniently near the quay doubtless existed for goods seized by customers, and a site "near to the flow of the sea" would probably in early times be assigned to the port or marine court which sat from tide to tide, and after 1357 to the Court of Admiralty.

Weather as well as trade necessitated the provision of anchorage within the port for its many visitors: for the peaceful trader; for the foreign merchantman driven from her up-Channel course; for the pirate looking for a rich harvest from just such a merchantman should she fail to make the harbour quickly [3]; for the motley array of wine ships collected twice a year in these parts and for the royal fleet awaiting favourable weather for a descent on France. For the mediæval ship such provision offered little difficulty, and added to the income of the port, especially when large vessels could be berthed some distance up the river. This could be done above Dartmouth and Plymouth, where "there is a goodly rode for great shippes betwixt the haven mouth and this [Shilston] creeke," [4] while anchorage for fairly large craft was also available at Barnstaple and Bideford. The convenience of Plymouth in this respect

[1] In 1487 20 boat-loads of stone were used for this purpose at a cost of £5 16*s.* 0*d.* Further expenses appear in *Plymouth Municipal Records* (ed. Worth), 90–1.

[2] *Cal. Close Rolls*, 1396–9, p. 33.

[3] *Cal. Pat. Rolls*, 1441–6, p. 288. Thomas Pedder and others "keep the coast of the sea there near the port [Dartmouth] so that every merchant fears to enter or leave the same." Similar examples abound.

[4] Leland's *Itinerary*, I, 214.

may be judged from an order of 1439[1] for "all ships and vessels in the ports of Southampton, Pole, Melcombe, Bridgwater, Exeter, Dartmouth, Plymouth and Fowey to meet there."

Shipyards, smithies, workshops of carpenters and castle-wrights can seldom have been idle in ports which built and armed some of the best ships for the king's wars, supplied tackle,[2] and sometimes craftsmen to other naval bases, and carried on a profitable pilgrim transport service.

A visitor to fifteenth-century Plymouth would also have seen houses of White, Black and Grey Friars, the Guildhall whose spire was later to be among the casualties of the Western Rebellion, and the Church of St. Andrew. To this in 1460 the mayor, William Yo(n)gge, added its present magnificent tower: "Yogge paid for the making of the steeple, the town paid for the stuff."[3] At Dartmouth, whose houses seemed to Prince to "hang along in rows like gally-pots in an apothecary's shop."[4] he would find the newly-built riverside church of St. Petroc, intended as a chapel of ease to the older parish church of St. Saviour, one mile inland, where John Hawley rests in the chancel which he built.

But these things were the mere husk of the mediæval Devonshire port, whose kernel was the vivid life of the townsfolk in their varied guises of patriots, pirates, blameless merchants, sturdy burgesses, smugglers and hardly used petitioners for royal justice.

In the narrow streets of Dartmouth such men of the Cinque Ports as would brave the jealousy of a western rival jostled against pilgrims waiting for transport, fifty or sixty[5] at a time, to Compostella. To these perhaps the

[1] *Cal. Pat. Rolls*, 1436–41, p. 273.

[2] In 1396 two great masts and accessories for a royal ship were sent to Greenwich from Dartmouth. K. R. Customs, 40/21. Printed in *Trans. Devon. Assoc.* XLIV, 532.

[3] Leland's *Itinerary*, I, 213. [4] *Worthies of Devon*, 477.

[5] The number for which licences were most often granted. Rymer's *Fœdera*, X, 386, 401, 581, etc.

choppy water on which they must soon try their fortune looks less pleasant than did the misty blue below them as they trudged the narrow hill-road from Exeter: past Beggar's Bush and Teign Bridge, leaving their rough quarters at Newton Abbot for the last climb—the hills of Dartmoor on their right—to Five Lanes. Plymouth, Exeter, Topsham and Brixham shared in the same traffic, and it may have been no unusual thing for the mayor to grant a citizen letters of protection for a tour of shrines "et sic ad retornandum per beatum regem Henricum apud Wyndesore et abinde apud Plymouth." [1]

In place of the Crusaders embarking in earlier days, great lords [2] and princes of the blood [3] bound for Aquitaine or Poitou waited with whatever patience they could command for supplies and for a favourable wind. Local officials, urged to action by a succession of royal writs, busied themselves in aiding knights and esquires of the magnate's company in their search for transports and mariners. Archers, raised for foreign service by "triours" of archers [4] in the district, waited and grumbled, in company with men at arms, for the pay even then being rushed down from London. Perhaps the port sometimes found it difficult to meet the demands made upon it on these occasions, judging from certain shipmasters who stayed so long at Dartmouth with their ships under arrest that they expended all their victuals and other goods and went back with their ships for victualling to the town of Southampton.[5]

Skulking on the outskirts of the town or in the deep lanes winding inland might be met some of those warriors whose first readiness to meet "divers enemies of the king who intend to invade the realm" would not stand the strain of long

[1] *Plymouth Municipal Records*, 70. Passport to John Cropp, 1492.

[2] As *Cal. Pat. Rolls*, 1416–22, p. 71, Edward Courtenay; p. 85, Thomas Carew; p. 319, Hugh Courtenay; p. 320, John Tiptoft. *Ibid.*, 1441–6, p. 154, William Bonevyll.

[3] The Black Prince 1355; John of Gaunt 1373.

[4] *John of Gaunt's Register* (Camden Society), § 1237.

[5] *Cal. Pat. Rolls*, 1401–5, p. 356.

delays at the port of embarkation,[1] added to probable irregularity in the receipt of their daily 5*d*., 6*d*. or 1*s*.[2] The same causes no doubt conspired to provide urgent business inland for the culprit whose letters of protection were subsequently withdrawn "because he tarries in the county of Devon." An even more hasty departure from the port was likely to be made by soldiers deserting after receiving their pay and by those unworthy men of the county who, sent home by their fellow-captives in Breton prisons, kept for themselves the ransoms they had raised for their friends.[3]

From time to time, however, a welcome addition to the resources of the port arrived in the shape of prisoners such as the Welsh squire and the Breton knights, "who lately with others of France and Brittany entered the realm in the said city and were captured by the king's lieges."[4] Speculation in prisoners evidently appealed to Dartmouth. Some were sold to Sir John Cornwaille, while John Hawley, unable to appear before the king owing to ill-health, explains that he has bargained with the captors of Oliver Arelle:

"et ency jeo ay achate le moite du dit prisoner . . . lequel prisoner . . . jeo envoie envers vostre treshaut et tres graciouse presence. Et . . . jeo avoie et ay achate de Antony Johan le moite de Tange Castelle . . . le quel Tange est en vostre bien excellent . . . commandement."[5]

Prisoners were to appear speedily "that the king may have colloquy with them and learn the secrets of his enemies,"[6] and were not to be delivered without royal permission. Their captors no doubt benefited by the promise that each

[1] *Murimuth*, 425. At Plymouth the Black Prince "moram traxit quasi continue habens ventum contrarium."

[2] *Cal. Close Rolls*, 1385–9, p. 194; *Cal. Pat. Rolls*, 1416–22, p. 387; *Issue Roll*, 44 Ed. III, p. 272. Cf. p. 14. "For 300 archers each 12*d*. per day."

[3] Early Chanc. Proc. 75/97; *Cal. Pat. Rolls*, 1405–8, p. 224; 1413–16, p. 117. For Tange Castelle (l. 23) understand Tannequy de Chastel.

[4] *Cal. Pat. Rolls*, 1401–5, pp. 310, 482.

[5] *Royal and Historical Letters* (Rolls Series), Henry IV, Vol. I, No. xcviii.

[6] *Cal. Pat. Rolls*, 1401–5, p. 430.

of the king's lieges should have his profit of his prisoners, for it was the men of Cornwall, not of Devon, on whom the Bishop of Exeter was to impress that the king always keeps his promises in spite of contrary reports circulated " in taverns and other congregations of the people." [1]

The organisation of the ports is too wide a subject to be dealt with in an essay of this kind, suggesting as it does more than one interesting problem of jurisdiction.

Within each port authority was shared by several groups of officials. To the mayor and bailiffs were addressed writs urging the punishment of pirates, the capture of smugglers, the restitution of stolen goods, and the arrest of ships at times of diplomatic tension. Most of these matters might also concern the customs staff, a numerous body in a county so well endowed with the bays, caves and " crykes " which were the despair of the searcher. Transgressions of mercantile law often involved also the Court of the Staple at Exeter, which, judging from appeals against its decisions, tended to become a close and probably a corrupt institution. [2] In the late fourteenth and fifteenth centuries authority was periodically exercised also by the Court of Admiralty, where judgment was given in the name of the admiral of the fleet to the westward. Dartmouth, however, enjoyed an express grant of Admiralty jurisdiction, such as Southampton only gained in 1452. [3] Maritime law was also the concern of the local Water-court, while for all offences already cognisable by existing port authorities, commissioners were continually appointed as a sovereign remedy.

It is hardly surprising that responsibility sat lightly where it might with so little effort be shifted on to collector, controller, surveyor of searches, deputy butler, keeper of the passage, water-bailiff or lieutenant of the Admiral.

[1] *Ibid.*, 126.

[2] Early Chancery Proceedings, 69/122 ; 163/125. The complainant declares that his persecutor " ys oon of the constables of the said staple and also oon of the partie playntieffes " in the staple court. Cf. 60/236. In Exeter only ex-mayors of the city could become mayors of the staple.

[3] *Oak Book of Southampton* (ed. Studer), I, p. xxi.

Experience of Devonshire alone would have been enough to justify the veto on ship-owning and trading ventures by members of the customs staff. But the mediæval inclination to fill every office by deputy seems to have survived the periodical attacks of sovereigns who realised the financial loss involved.[1]

There is no lack of evidence to show that all these bodies were guilty of the mutual jealousies,[2] the collusive suits, the slackness and barely-disguised corruption [3] which helped to bring about the fall of the Court of Admiralty. Here lack of support from above, the restriction of Admiralty jurisdiction and the right of appeal against it, together with the Council's alleged partiality for aliens, probably only encouraged the dilatoriness against which they were aimed.

The shortcomings of all branches of port administration may find some excuse in the difficulties with which they were faced. Offices were granted, transferred and re-granted on different terms with a frequency which must have put a premium on inefficiency, and any local consolidation was achieved in the teeth of an experimental policy at Westminster. Not only must keepers of the port have a quick eye for the detection of an enemy ship, and an obedient spirit when required to de-arrest it against their better judgment. They must also prevent the departure of all but known merchants because the Pope has excommunicated the Spaniards—" the king's enemies and notorious schismatics "—and all who go to them. Now they must be deaf to the requests of pilgrims seeking passage, for these may be exporting concealed plate or coin. Now

[1] *Cal. Pat. Rolls*, 1330–4, p. 145 ; cf. 1422–9, p. 50 : the controller at Plymouth is to write the rolls with his own hand, to reside on the spot and to do his duties in person. Yet twenty years later (*ibid.*, 1441–6, p. 177) the position may be filled by deputy.

[2] Early Chancery Proceedings, 54/70.

[3] *Select Cases in Chancery*, No. 38 : alleged conspiracy for the arrest of a ship between the water-bailiff of Plymouth and the admiral's lieutenant. Cf. *Select Cases in the Court of Star Chamber* (Selden Soc,), I, 9 : Robert Bonyfaunt accused of concealing for his own use cloth which he had arrested as customer.

they are to suffer no person of whatsoever degree—known merchants again excepted—to pass to the Court of Rome or other foreign parts. Yet they must let the envoys of the Duke of Brittany with certain goods rejoin their master from whichever of the chief ports of Devon and Cornwall they shall choose. Not long after they are directed to suffer no caps of whatsoever colour to be taken to foreign parts without special licence from the King.[1]

The political value of staple products caused every change in foreign relations to be reflected in orders directed to the customers of ports, complicated by clauses in favour of those aliens to whom the king was indebted or to whom he looked for help. Such fluctuations of policy, naturally most evident at certain stages of the Hundred Years War, may be seen in instructions to the collectors of Exeter in the years 1386–8.[2]

The diplomatic and financial experiments of the Crown were often little capable of explanation to provincial officials; therefore for such to put their trust in princes by appealing to a higher court was an enterprise fraught with considerable risk. Hence the zealous official, brutally assaulted in the execution of his duty, was led to heighten the colour of his plaint by dramatic touches. Thus when, at the request of the searcher in Dartmouth, Robert Stamford boarded

" une nief de Edmond Arnold [3] a cause qil avoit alors emble disloialement la custume du Roi de certainz ffardell de drap et de plusours autres marchandises . . . mesme Edmond Arnold felenousement ove viij de ses seriauntes armez et armez ove haches, espees, Arkes, ffleches et daggers gesoit en agait en dieux bateaux et encontre la pees . . . fist assaut sur le dit

[1] All these instructions are taken from *Cal. Close Rolls*, 1385–9, pp. 412, 592; 1389–92, pp. 112, 260, 425.

[2] *Ibid.*, 1385–9, pp. 169, 199, 366, 380.

[3] Called " Gascoign." He was water-bailiff of Dartmouth; several times collector of customs in Exeter and Dartmouth; M.P. for Dartmouth. (Wylie's *Henry V*, I, 118, note 6). He appears as mayor of Dartmouth in Exch. Accts. Misc. 512/29.

serchour et naufra le dit suppliant en plusieurs lieux de son corps." [1]

The lawlessness prevalent in Devon, especially in times of weak central government, together with the flagrant growth of maintenance, suggests a basis of truth in such complaints.[2] On the other hand, the official whose fear of violence led him into compromise might suddenly be confronted with an auditor armed with power to deliver into custody any found to be in arrears, the offender to be imprisoned until he make satisfaction or the king order otherwise.[3]

Anxiety to avoid the penalties of slackness might hold dangers even for the honest customer. He might seize enemy goods unaware that a truce had just been agreed upon. He might assert over a captured cargo royal rights later disavowed at headquarters. He might be suspicious of the merchant stranger claiming special treatment for his goods, and so be guilty of offending one whom the king delighted to honour. He might even insist upon payment of customs by the shipmaster who claimed to have already called at an English port but failed to produce letters of cocket with the excuse that the sailor to whom they had been entrusted had failed to rejoin his ship.[4]

But no difficulty was greater for any port official than general connivance in piracy, smuggling and "concealments" by most of his neighbours and probably by many of his colleagues. Continual failure of culprits to appear in court or to make restitution was evidently taken for granted, though even in the fifteenth century five years seems a long period for these admonitions to continue[5] when the offenders were known by name, with details of their booty. There was indeed small hope of bringing lesser offenders to book

[1] Early Chancery Proceedings, 6/193.

[2] As *Cal. Pat. Rolls*, 1408–13, p. 224. Violence and maintenance during the hearing of a maritime case at Dartmouth.

[3] *Ibid.*, 1330–4, pp. 304, 322.

[4] *Cal. Close Rolls*, 1381–5, p. 416.

[5] *Cal. Pat. Rolls*, 1436–41, p. 572–3; 1441–6, pp. 47, 107, 289, 423.

when Edward Courtenay, son of the Earl of Devon, holding a royal commission for the repression of piracy, was known to be part-owner of an erring balinger, "Le George" of Dartmouth.[1] Still less when John Hawley the elder, merchant prince, seven times mayor of Dartmouth, admiral of the West, collector of customs, commissioner of transport and repressor of pirates, himself brought to a fine art piracy on a large scale[2]; or when his son, with a respectable record of royal service, made double capital out of an act of piracy by securing the arrest of his fellow-pirates.[3]

The wide distribution of goods illegally seized made detection difficult and restitution nearly impossible, while binding in resistance to the law men and women of all classes and occupations. Thus out of the cargo of one victim of Devonshire piracy forty-seven tuns of wine and two lasts of leather were still unaccounted for when the remainder had enriched thirty-eight individuals, including several ale-wives, a chapman and a chaplain.[4]

The vessels by which the seafaring population of the county lived included all the ordinary types then known. So customs are paid or evaded, and piracies committed or suffered by cog, barge, balinger, nef, crayer, spynas and boat. The only exclusively foreign craft appearing in Devonshire waters seem to be occasional galleys and barques, many tarits and the "carrikys orrible grete and stoute"[5] hailing from the south. There is nothing to suggest any type peculiar to the locality, nor the exclusive use of any one for certain enterprises, though small craft like the crayer and "batella" call most often at lesser ports like Ilfracombe and are naturally preferred for river traffic.

[1] Mr. Kingsford (*Prejudice and Promise in XVth Century England*, 95) describes similar activities on the part of Sir Hugh Courtenay of Boconnoc.

[2] Sometimes with a certain justification from the character of his commission.

[3] Kingsford, *op. cit.*, 85–6.

[4] *Cal. Pat. Rolls*, 1441–6, pp. 338–9.

[5] *Political Poems and Songs* (Rolls Series), II, 199. Cf. *Memorials of Henry V* (Rolls Series), 144.

Devonshire throughout this period had at least its fair share of cogs, most of them like La Cogge Thomas, La Cog Johan, and several St. Mary Cogs,[1] apparently attached to Dartmouth. To this class also belonged the "Christofer" of Dartmouth, a 320-vessel whose owners, seeing the "George" of Wells

"comynge behynde hyme by the space of iij myle returned agayne wyth full sayle wyth a large wynde wyth iij men in the toppe castell well hernesed and other in other places ther in the said Christofer to the noumbre of lx persones, well hernesed men and arrayed for the werr, and smott awey the forshippe of the said shippe called the George so that the said shyppe . . . and all the gudes and merchandises ther in wer lost and drowned." [2]

The George it may be noted, was attacked in spite of her freighter's protests "that thai wer ynglyssh men, and lay opon the lee with ther corse low sett."

There is from time to time the usual vagueness in classification: "navis que vocatur La cog Seynt Andreu of Teynghemuthe," a Seinte Mary cogge termed "balingera," and John Hawley's barge known as Seinte Marie Ship. Definite information as to burden is not often forthcoming, but certain details may be gathered from the orders continually issued for the arrest of vessels, from claims for compensation for war losses,[3] from evidence in law-suits; indirectly too from cargo-valuations and transport regulations.

Freight, too, appears but rarely, and was perhaps subject to little local variation. The ship was sometimes chartered for the voyage, as by John of Gaunt, who assigned "ciiij^{xx}£ pur paier . . . pur la freit d'une nief envenant de Burdeaux et Dertemouth a nostre derrier venue illoques." [4]

[1] *Cal. Pat. Rolls*, 1340–3, pp. 568, 573.

[2] Early Chancery Proceedings, 43/33.

[3] Anc. Petitions, 76/3791: Teignmouth ships "appelez Gaynebien du pois de viij^{xx} tonels, La Trinite du pois de C. tonels, La Margarete du pois de iiij^{xx} tonels, le Michel du pois de iiij^{xxxv} tonels, le Scint Mary cog du pois de vi^{xxx} tonels."

[4] *John of Gaunt's Register*, § 1430.

The "James" of Ottermouth made her outward voyage in ballast "takyng for the comyng of the same shippe to London and for the frayght agayne to Opsam [Topsham] aforesaid X li."[1] In this case freight was to be paid only on condition that the owner "shold sufficiently apparell the said shippe with all manner stuff to hit belongyng, havynge with hym a sauve-conduite of the Admyrall of Ffrance."

Of mediæval Fowey, Leland wrote: "The town was hauntid with shippes of diverse nations, and their shippes went to all nations,"[2] and of the chief ports of Devonshire this was equally true. Evidently Devon and Cornwall together formed a commercial entity as well defined as the Cinque Ports, in spite of occasional displays of local hostility. Ships and seamen of each county are continually found in the waters of the other on business legitimate and illegitimate, and certain ship-owners like John Hawley had property and interests both sides of the Tamar. The link between Fowey and Plymouth is particularly strong both in piracy and administration, a connection perhaps strengthened by the rights of the Duchy of Cornwall in Sutton Pool. With Fowey, too, Dartmouth, though in a separate customs area and often a rival through its very similarity, was hand in glove in piratical enterprises and in resistance to authority.

The linking of the western ports of Dorset and Somerset with those of Devon for customs purposes points to fairly frequent communication which became more casual further east. In Weymouth and Poole especially, Devon men found a ready market for goods obtained by piracy as well as kindred spirits for Channel escapades. To Bristol, Devonshire vessels took wine, shipping thence lead and corn. They met Bristol ships under arrest for royal service and put into Bristol on voyages to and from the north. Bristol traders southward bound might shelter in Ilfracombe; at Bristol "on the 18th of March, 23 Henry VI the Mayor of Barnstaple exhibited before John Shipward, Mayor of Bristol, the charter of privileges granted to the town of

[1] Early Chancery Proceedings, 54/88. [2] *Itinerary*, I, 203.

Barnstaple," [1] while commercial transactions between men of Bristol and Devon often led to pleas of debt and breaches of mercantile law.[2]

Working eastwards, Southampton—with its members Portsmouth and Beaulieu—was the destination of many ships from South Devon ports carrying fish, salt and tin, and sometimes madder and woad. Here Dartmouth merchants lose a cargo of wool and alabaster and fail to get redress; here Devon shipowners may view certain great ships awaiting disposal by the Government; here a Plymouth balinger brings a Dutch prize seized off Yarmouth. Less regular relations existed with the Isle of Wight, a notorious haunt of pirates and their prizes.

The Cinque Ports, whose rivalry with western seamen outlived various efforts at reconciliation, were sometimes a useful anchorage for Thames-bound vessels and occasional purchasers of wine and salt as well as accomplices in acts of piracy.

The mercantile interests of Devon and London were closely associated, and "by the freedom of Exeter" merchants of that city might sell wine and other goods in London free of custom.[3] Devon ships were therefore often in the Thames with wine for London vintners; in this trade was engaged "La Custance" of Dartmouth,[4] lost at Thames mouth to the enrichment of certain men of Essex. A London grocer, too, might bargain for the use of a Devonshire ship, agreeing

"within V dayes next after the comyng of the same shippe into the said porte of Loundoun, to lade and charge the said shippe with the said merchandyse to be conveyed fro thens to the said porte of Opsam." [5]

[1] *Little Red Book of Bristol* (ed. Bickley), 232.

[2] Early Chancery Proceedings, 67/294. There are many references to business dealings in *Cal. Pat. Rolls* and *Cal. Close Rolls*.

[3] *Select Cases in the Court of Star Chamber*, I, 84.

[4] *Cal. Pat. Rolls*, 1343–5, p. 179, cf. 1413–16, p. 87. Le Petyr of Dartmouth.

[5] Early Chancery Proceedings, 54/88.

On the whole, Devon shipping seems to have been little attracted by ports of the east coast, finding perhaps that continental traffic offered better prospects with hardly more risk. We know, however, that lead for the cathedral was often shipped to Exeter from St. Botolph's Fair,[1] and eastern waters were evidently familiar to that Plymouth balinger which, with thirty-six armed persons therein, inveigled London merchants from their shelter near Yarmouth to attack them on the high seas.[2]

The passage to Wales was probably made by Devon seamen less often for trade than for military purposes such as the rescue of the besieged garrison of Cardiff Castle in 1403, and the transport of "goods of certain Welsh rebels brought from Wales to the counties of Devon and Somerset." The same year saw the provisioning of Welsh castles with corn, wine, ale and "fishes called hakes" purveyed in Devon, while other vessels of the county might engage in a less reputable traffic, taking "arms and other victuals . . . to Wales for the maintenance of rebels there."[3] But the existence of ordinary trade appears from a request of the mayor of Carmarthen to the mayor of Barnstaple that citizens of Carmarthen on business in Barnstaple may depart unmolested.

Regular though perhaps not very extensive trade also existed with Ireland. Drogheda merchants, licensed by Edward III to export Irish produce to England and Gascony, sometimes laded their wool, old clothes, and hides in Devon ships. So too did merchants of Limerick expressly permitted to export staple goods to Westminster, and for military expeditions to Ireland considerable use was made of Devonshire tonnage.

The voyage to Scotland might also be a military necessity. Thus in 1315 corn was shipped from Devon to the Border

[1] *The Building of Exeter Cathedral* (Bishop and Prideaux), 38, citing Fabric Rolls. For salt exported from Yarmouth in a Devon ship see Gras's *Early English Customs System*, 275.

[2] *Cal. Pat. Rolls*, 1436–41, p. 506.

[3] *Cal. Pat. Rolls*, 1401–5, pp. 296, 352, 439, 510.

and in 1333 victuals bought in Devon were sent north for the sustenance of the king and his lieges there.[1]

Customs accounts of South Devon ports show that ships from Jersey and Guernsey were very frequent visitors. Doubtless the trade was reciprocal, especially as the Channel Islands were a haunt of pirates in general and in particular of ships of Dartmouth and Fowey inclined to divert to their own use goods intended "for the sustentation and relief of the inhabitants of the island."[2]

Dartmouth or Plymouth being the usual port of assembly for the wine fleet, Aquitaine figures most prominently as the destination of Devon shipping just as Gascons are the most frequent consignees of cargoes carried therein. To Aquitaine must be conveyed the Seneschal of the Duchy and other magnates sent to restore order, together with their companies, engineers, horses and supplies. With armies for whom Aquitaine was a base of operations against France went also shiploads of wool[3] and leather for their equipment during the campaign. Although there was little love lost between men of Gascony and of Devon and much squabbling over the wine trade, they appear together as part-owners of ships and cargoes, as seamen in ships of either race, as merchants with interests in both localities. Mutual suspicion was also sunk when opportunity arose for paying off old scores on Norman or Breton or, with still greater zest, on "fals Flemyngs."

To the average Devon ship the coast and ports of Brittany were familiar ground, offering unique opportunities for a flourishing trade in time of peace, for honour and more material rewards in time of war, for smuggling and piracy at all times. The corresponding risks of fine or imprisonment for debt or in reprisal, of loss of ship and of failure to obtain redress in Breton courts did not prevent

[1] *Cal. Fine Rolls*, 1307–19, p. 260; *Cal. Pat. Rolls*, 1330–4, p. 418. The capture of a Scottish ship by "La Jouet" of Dartmouth is the subject of Early Chancery Proceedings, 68/91.

[2] *Cal. Pat. Rolls*, 1405–8, p. 478; 1429–36, p. 128.

[3] Unwin's *Finance and Trade under Edward III*, 258.

Devon seamen and merchants seeking their fortune in "Brest in Bretayn" or in "Nauntes beyond the see."[1] So Bretons appear paying dues in Devon ports on their cargoes of onions or canvas; employed in Devon ships[2] and sharing in the spoils of an attack on any unprepared victim; lying off Dartmouth to avenge Devon triumphs on the Breton coast; brought into Plymouth as prisoners of war or ending their career west of the Tamar, victims of the Cornish interpretation of the law of wreck.

On a smaller scale trade existed with Normandy, whose conquest by Henry V itself meant considerable use of Devon tonnage for the transport of "minours" and other troops from Fowey.

Less often visited owing to distance were Flanders and Denmark, Spain and Portugal, while with Baltic and Mediterranean ports still further afield direct trade was negligible. Devon men with an eye to the goods of Genoa and Venice, of Seville and Barcelona, could get them as readily by lying off their own rocky coast in rough weather as by making arduous voyages in ships of no great cargo capacity. The hope of a rich prize might occasionally tempt them to the coasts of Portugal, while they shared both regularly and irregularly in the flourishing trade between Flanders and Spain; indeed "La Gracedieu" of Plymouth was chartered in Flanders to carry goods from Spain to Ireland.[3] The frequent voyages of pilgrim-transports probably led to trading connections such as caused the chartering of the Mary of Ash "to depart out of England towardes the costes of Spayne and Sevile."[4]

[1] Early Chancery Proceedings, 60/116.

[2] Cf. *Plymouth Municipal Records* (ed. Worth), 90. Receiver's Account, 1486: "Paid to the breton for sewyng of the forsayle iiijs. vd. ob." The town owned two vessels as "carreyers."

[3] *Cal. Pat. Rolls.*, 1401–5, p. 134.

[4] Early Chancery Proceedings, 60/165. Cf. the "George" of Dartmouth freighted with a valuable cargo for "Great Seville" (*Select Cases in Chancery*, No. 42, and Chaucer's Shipman familiar with "every crike in Britayne and in Spayne" (*Canterbury Tales* (ed. Skeat), Prologue 409.)

Although not to be compared with the business done at staples farther east, there was considerable export of staple goods[1] to Flanders from Exeter and neighbouring ports, whither Flemings shipped wine and general merchandise. Local tonnage would be used when possible by English subjects taking corn by special licence to Calais, and Plymouth vessels were freighted for Flanders by Irish merchants whose original ships were lost in the Channel "for lack of good ruling and by negligence of the masters."[2] Flemish ships appear landing cargoes at Exeter and arrested as a measure of reprisal in Dartmouth; engaged whilst "peaceably abiding" in Plymouth harbour in a quarrel with the men of the lieutenant of Aquitaine, and plundered by Sandwich balingers within St. Nicholas Island, "whereof the master and owners have made tearful complaint."[3]

Few as were apparently the Devonshire ships running to northern ports the barge "Maudelayne" must not be forgotten with her knowledge of the havens "from Gootland to the cape of Finisterre." But Baltic ports and ships are named chiefly in cases of piracy or storm, since the staple goods in which they were interested were more conveniently shipped from English ports farther east. So accident rather than intention as a rule brought Portuguese vessels to Devon ports, and the large merchantmen of Italy and Spain preferred a straight course to Southampton.

In the late fourteenth and fifteenth centuries alien ships named in customs accounts are outnumbered by those locally owned. It would seem that in spite of periods of weak policy and complaints of alien ascendancy local enterprise and seamanship—with sometimes healthy contempt for legal distinctions—contrived to keep the carrying trade largely in native hands and to make ship and sheep com-

[1] A number of large ships attached to these ports seem to have been engaged almost exclusively in this trade.

[2] *Cal. Close Rolls*, 1381–5, p. 72.

[3] *Cal. Pat. Rolls*, 1429–36, pp. 73, 75.

plimentary rather than contradictory symbols of English interests.

A few impressions may be gathered from these glances at communities on which, in some directions, five hundred years have wrought so little essential change: a local outlook in which the Channel was less of a barrier than was a county boundary; a system of communication by no means inadequate to a life self-contained but not narrow; business methods too often assumed to be modern; curiously opposite effects wrought by a long war on the ports' prosperity.

Contrasts indeed abound: respect for law most effectively enforced at sea at a time when gaols were emptied to recruit the armies in France and when commissions for irregular warfare were regularly granted;[1] corruption in every branch of administration, yet municipal development sound as a whole; naval skill and experience beyond question, yet naval strength problematical; alien merchants suffering many ills, yet returning none the less, their treatment in Devon waters less dependent on political relations than on local temper and commercial exigencies.

But the seamen, for whom the ports are but a background, can find no place in this essay. A volume could hardly deal with their activities in peace and war—separated by the thinnest of lines—with their raids and reprisals, their wages and brawls, their partnerships and piracies.

Here are longshoremen to whom no wind is ill, and a legion of irrepressibles who plunder at sea "in contempt of the King and to the shame and scandal of the whole realm and delay of important business;"[2] Devon men in the service of the Duchess of Brittany, who stand off the Devon coast in ships of war "boarding friends and enemies alike, and the ships of the Duchess herself;"[3] others who defy

[1] As to Robert Wenyngton in 1449. And to John Hawley, Benedict de Bottesana and Thomas Asshenden, all of Dartmouth (*Cal. Pat. Rolls*, 1377–81, p. 356).

[2] *Ibid.*, 1340–3, p. 593.

[3] *Ibid.*, p. 454.

the Prince of Wales by seizing wine bought by his butler " after horribly casting out . . . the master, mariners and servants, with the servants of the Prince." [1] A subject so full of inconsistencies and contrasts may fitly be closed by one more marked than the rest: a picture of Edward III loosing against Brittany in time of " peace " the exasperated men of Dartmouth, Plymouth and Fowey [2]; another of Henry VI on the eve of an invasion of France beseeching the mayors of the same towns

" that by all the weyes and menes possable unto you, ye on our behalve sture, moeve, trete and enduce all the oweners and maisters of the shippes . . . that belonge unto youre porte to be ready to go." [3]

APPENDIX: FOREIGN TRADE

Cargoes Entering and Leaving Devonshire Ports

[The table is far from exhaustive. It gives only the more ordinary imports and exports, and names only the more prominent foreign producers and consumers; these are sometimes hard to ascertain even when the nationality of merchant and ship is known. Some of the goods named reached Devon as often by piracy as by regular trade. Variety marks the imports, bulk the exports. The most important are marked *.]

A. Food-stuffs

Imports	*From*
Bacon and pork	Brittany
Corn	?
Fish (herring)	France, Channel Is.
,, (hake)	Ireland
Fruit (dried)	Italy, Spain, Portugal
*Garlic and onions	Brittany

[1] *Cat. Pat. Rolls*, 1345–8, p. 110, cf. p. 100. Malefactors of Dartmouth take a Spanish ship and cargo, throw some of the mariners into the sea, sink the ship, keep the wines and threaten the master with death if he sues for restitution.

[2] *Political Poems and Songs*, II, 166–7.

[3] Worth's *History of Plymouth*, 34.

A. Food-stuffs (*continued*)

Imports	*From*
Honey	France, Italy, Spain
Mead	,, ,, ,,
Rice	*viâ* Italy
*Salt	Brittany
Spices	*viâ* Italy
Sugar	*viâ* Italy, Spain
Sweet oil	Spain
*Wine	Gascony, Poitou, Spain, Portugal

Exports	*To*
*Corn	Gascony
Fish (dried)	Gascony, Italy

B. Materials and Accessories for Manufactures

Imports	*From*
Alum	Italy
*Dyes	Picardy, Toulouse, Italy
Glass (plain)	Normandy
Hides	Spain
Iron	Spain
Rosin	Spain
Skins	Spain
Stone	Normandy
Tallow and Wax	Spain
Teazels	Italy
Timber	Flanders, Baltic ports

Exports	*To*
Gold and Silver	—
*Hides	Flanders, Gascony
Lead	Gascony
*Tin	All parts, especially Mediterranean ports
*Wool	Flanders, Gascony
*Wool-fells	Flanders, Gascony

C. Manufactured Goods

Imports	*From*
Armour	Gascony, Flanders
*Canvas	Brittany
Cloths (dyed)	Flanders
Cloth of gold, satin	Flanders
*Cloth (linen)	Brittany
Glass (painted)	Normandy
Soap	Spain

Exports	*To*
Alabaster images	Spain
*Cloth (especially " dozens " of russet and blanket)	Gascony, Spain
Shoes	Portugal, Normandy
Tiles	Normandy

THE BEGINNING OF THE DISSOLUTION: CHRISTCHURCH, ALDGATE, 1532

By Miss E. Jeffries Davis, M.A., F.R.Hist.S.

Read 1 *April*, 1925

To all who are well versed in the current accounts of the dissolution of the English monasteries it will at once be evident that the date 1532 does not fall within any of the familiar stages of that revolution. It is usually said to have been begun by Wolsey, who obtained in 1524 and 1528 papal authority to suppress some houses, with the assent of the king and their other founders, and endow his two new colleges with their property. Towards the end of 1528 Henry himself extorted from the Pope a similar bull for the benefit of the royal foundations of Eton and King's College; and afterwards, at his request, others were issued (the last being dated 31 August 1529) authorising the cardinal to unite very small convents with larger ones, and to establish new cathedrals endowed with monastic lands. The fall of Wolsey and the meeting of the Reformation Parliament ended this stage, during which some thirty insignificant houses had been suppressed.[1] The next familiar episode occurred in 1534: the extinction of the Order of Observant Franciscans in England. But meanwhile, as modern historians have failed to note, the very important house of Austin canons at Aldgate, Holy Trinity or Christchurch (the names were interchangeable) had fallen: the

[1] Rymer, *Fœdera*, xiv, 15, 23, 32, 243, 251, 270–3, 291, 345; cf. other bulls and grants in that volume, and the relevant documents in *Letters and Papers, Henry VIII* (henceforth cited as *L. & P.*), iv, *passim*. For a list of the houses suppressed, see Gairdner, *Eng. Church in the Sixteenth Century*, p. 419.

first monastery dissolved by the king, with no shadow of authorisation from the Pope. Then came the visitation of 1535, with the surrender of some half-dozen houses, retrospectively sanctioned by the Act of 1536 suppressing all with incomes of less than £200 a year. The general dissolution had begun; in four years more it was almost complete.

Such are its initial stages, as usually described: perhaps rightly, from the point of view of the history of England. But from that of London Wolsey's suppressions for the benefit of his colleges are practically negligible. None of the houses concerned was in or near the capital; moreover, to Londoners, the cardinal's measures may well have appeared as the application, on a larger scale, of methods long familiar: as merely the appropriation or transference, duly authorised, of the endowments of one religious or charitable foundation to another. In London that process had begun in the fourteenth century, when the Knights of St. John obtained the Temple; it was continued when the priory originally attached to the crusading see of Bethlehem became, before 1403, an asylum for the insane. The Alien Priories Act of 1414 loosened the bonds between St. Anthony's in Threadneedle Street and its mother house at Vienne, the separation was confirmed by a papal bull in 1447, and the king became patron of that hospital; then, in 1475, Edward IV annexed it and all its possessions to the new royal chapel of St. George's at Windsor. Henceforth it slowly dwindled, till at last the chapter of St. George's let the church to the French Protestants under Elizabeth. Meanwhile St. James's at Westminster, an almshouse which had once been a leper hospital, had passed into the custody of Henry VI's college at Eton, and the alien hospital of St. Mary Rouncival at Charing Cross had been transferred to an English fraternity. These were all small houses: but Henry VII, pious as he was, saw no harm in ruining the great foundation of St. Martin-le-Grand by annexing it to Westminster Abbey, in aid of his new chapel. Consequently, to Lon-

doners, the only new point about Wolsey's suppressions was that they involved the complete extinction of the dissolved monasteries, and the disuse of their churches as places of worship. In 1531 Henry VIII gave other property to Eton in exchange for St. James's, and afterwards destroyed that foundation, pensioning off the four almswomen who remained. But this transaction was, at least nominally, a case of exchange and not of confiscation, one of a group ratified in Parliament that year.[1] The real turning-point came in February 1532,[2] when Christchurch, Aldgate, surrendered to the king. Papal sanction was no longer possible, and it soon became evident that the property was not to be devoted to any pious or charitable use. The complete secularisation of a monastery, with all its possessions, was contemplated for the first time: the revolution had definitely begun.

The victim was one of the most important religious houses in the city. It was, indeed, a priory of Austin canons, the Order to which nearly half of those suppressed by Wolsey had belonged; but its position was altogether different from theirs. That Order was predominant in London, where it had no less than five houses—against the two Benedictine nunneries, and one of each of the other Orders represented. Four out of the five, St. Mary Overy, Christchurch, St. Bartholomew's and St. Mary Spital, had been founded in the eleventh century, each near a gate of the city: south, east, north-west, and north. The first three of these, with the hospitals attached to them, were the oldest of the London religious houses except St. Martin-le-Grand and the cathedral (the only Anglo-Saxon founda-

[1] *Victoria History of London* (henceforth cited as *V. C. H.*), Vol. i (1908), articles on Religious Houses, by Miss M. Reddan, *passim*. For St. James's see *L. & P.* v, 406, 606, 627 (28); x, 775 (1–4); *Statutes of the Realm*, iii, 398 and p. xviii.

[2] New style: 1531 old, hence the different dates given in various works: cf. p. 135, note 1, below. Several of the incidents mentioned in this paper occurred at the beginning of a year; the new style has therefore been used throughout, to avoid the confusing effect of numerous double dates.

tions), and of them Christchurch was long the most renowned. It was established about 1108 by the good Queen Maud on a site north of the High Street just within Aldgate, from the corner where St. Katharine Creechurch still bears its name eastwards to the gate itself, which was part of her gift: its close or precinct there remained independent of the later civic organisation till long after the dissolution. Adjoining it was another estate with private jurisdiction, the soke of the cnihtengild; and in 1125 the cnihts (among them several aldermen of wards) gave to the priory all their land and soke outside the Wall, extending from near Bishopsgate to the Thames, called the Portsoken. This was reckoned a "ward without": from the beginning the priors seem usually to have acted as its aldermen, and later they occupied that position *ex officio*; consequently the house had a unique standing in London.[1] Several of the other convents there also had precincts exempt from civic jurisdiction, as were a few great "Inns" such as Coldharbour;[2] but otherwise the seigneurial system was obsolete in the city by the fourteenth century save for the Portsoken. The prior of Christchurch united the powers of the elected aldermen of other wards and of the ancient landholders with sokes; he was a survival of an older order, an anomaly. Although he occasionally attended meetings of Common Hall and of the Court of Aldermen, where he ranked as senior member after the mayor,[3] his ordinary aldermanic duties were probably discharged by deputy. But Stow, who was born in 1525, remembered how on state occasions the last prior sat and rode "amongst the aldermen of London, in livery like unto them, saving that his habit was in shape of a spiritual person," and "kept

[1] *Calendar of Letterbooks among the Archives of the Corporation; Letter-Book C*, pp. 73–5, 216–25, 12. Cf. R. R. Sharpe's introduction to this, pp. xvi–xxvi, and W. Page, *London* (1923), chap. iv and pp. 181, 210–12, 227.

[2] On these see "The Transformation of London" in *Tudor Studies, presented to A. F. Pollard* (1924), pp. 299–300, 312.

[3] *Cal. Letter-Book L*, 1463–90, *passim*; Appendix II, below; M. R. James, *Cat. MSS. Corpus Christi Coll., Cambridge*, p. 388 (MS. 170).

a most bountiful house of meat and drink, both for rich and poor, as well within the house as at the gates, to all comers according to their estates" ; and he thought "the liberality of this house, as I have heard and partly seen, is rather to be wondered at than reviled of them that have not seen the like." [1]

This lavish hospitality, however, may have been its undoing. Many citizens had added to its original endowment, and its London property (including numerous quitrents and the rectories of two churches) produced over £350 a year, apart from 100*s.* received annually from the ferm of the City ; it also had £25 12*s.* 6*d.* a year from the ferm of the city of Exeter, and owned much land and was rector of several churches in Middlesex, Hertfordshire, Essex and Kent. The annual value of all its property was found in 1532 to be over £590.[2] Nevertheless, it had occasionally been in financial difficulties ever since the fourteenth century, when it had incurred great expense in restoring its Norman church, which was almost as magnificent as those of its sister priories of St. Bartholomew and St. Mary Overy (now Southwark Cathedral). Twice, in 1381 and 1439, the king had intervened, and appointed distinguished outsiders (in one case the archbishop, the Chief Justice of the Common Pleas, and the Master of the Rolls, in the other four prelates of the same Order) to manage its affairs for a time —since, as the second patent declares, they had been so wasted by misrule that the prayers and alms for the benefit of the souls of the king's ancestors could not be maintained.[3] An ominous precedent, perhaps; but a later prior, Thomas Pomerey, was such a good administrator that, so the Pope was informed, he raised the income of the house by his industry to about 1,000 marks a

[1] *Survey* (edited by C. L. Kingsford, 1908 ; all future references will be to this edition), i, 141 ; ii, 291.

[2] P.R.O. Rentals, etc., Rolls 437, 438 : see Appendix I, below. Cf. Lond. Epis. Reg. Tunstall, in note 2, p. 136, below.

[3] *V. C. H.* i, 470. For the church, see W. R. Lethaby in *Home Counties Mag.* (1900), ii, 48.

year.[1] His successor, however, Thomas Percy, was a man of bad character, who defied the bishop of London when, in 1493, he attempted to deprive him; the bishop, other measures having failed, came to Aldgate accompanied by armed men, seized the prior and carried him off to prison. A lawsuit followed, which must have been ruinously expensive. The bishop lost, because he was said to have exceeded his authority, and after an interval Percy was reinstated; but when he died in 1512 he left to his successor a debt to the Crown which was still unpaid in 1518.[2] Probably the house never recovered from the scandal of this episode; but no indication has been found of anything amiss there afterwards, except financially. A letter written by one of the canons in 1532 suggests that to the very end some of them, at least, were carefully observing their Rule; Henry VIII himself granted the priory in 1513 a voluminous charter confirming those of former kings; and an extant cellarer's account for the year 1513–14 corroborates Stow's remarks about its hospitality.[3] The custom of much expenditure on this was doubtless hard to break and, in itself, laudable, but meanwhile the burden of debt was ever increasing: the house, though rich, was insolvent. In that respect it was unique in the diocese. When the two clerical tenths granted in 1514 were being collected in 1517, several religious houses were excepted by the Bishop of London as

[1] *Cal. Papal Letters*, x, 106: a reference which I owe to the Right Rev. Abbot Aloysius Smith, C.R.L., who was present when this paper was read. The Pope granted a petition of the king, bishop and mayor and aldermen that the priory should therefore be elevated into an abbey; but this does not seem ever to have taken effect: cf. *ibid.*, p. 691 and C.C.C. MS. 170 in James' *Catalogue*, p. 388. The information in the *V. C. H.* i, 470–1, 474, about the priory in the fifteenth century may now be supplemented, also, by the *Calendars* not only of the City Letter-Books I, K and L, but of the Patent Rolls, since issued. Cf. A. B. Beaven, *Aldermen of London* (1908–13), i, 180–1; ii, 30.

[2] *Chronicles of London* (edited by C. L. Kingsford), pp. 199–201, 203; Hist. MSS. Comm. *Report*, ix, App. i (MSS. D. & C. of Canterbury), p. 119; *L. & P. Hen. VIII*, i (old edition, dated 1518 in the new, part iii, p. lxxxi), 1639; cf. ii, p. 1483.

[3] *L. & P.* v, 1744; i (new edition, not in old), 1804 (24); ii, 115.

regarded the whole or part of their possessions, his Register giving the reason in each case. In the great majority (including, however, only one London house, St. Thomas of Acon) it was poverty, or, in Essex, the devastation caused by recent floods; in one, St. Bartholomew's, Smithfield, the cost of the work going on in the priory church; but the partial exemption granted to Holy Trinity, alone, was on account of its debts: *propter gravide onus eris alieni quo idem Monasterium gravatum et oneratum diu extitit et adhuc existit in presenti.*[1]

The last prior, Nicholas Hancock, S.T.B., had been subprior, and was elected by the convent (there were sixteen canons besides himself, all but four in priest's orders), *per formam scrutinii*, in July 1524. He was sworn in as alderman on 20 August, and in December named as his deputy in the ward of Portsoken John Wade, a Merchant-taylor, with the "full assent and consent" of the Court.[2] Early in the following spring that Court had to suspend a serjeant from office "forasmuch as he lately arrested the Prior of Cristes Chirch, being alderman, by a supplicavit withoute eny Commandment of the sheriffes." A writ of *supplicavit* was only issued against a person from whom another feared grievous bodily harm, so Hancock (whose letters show him to have been of a nervous and excitable temperament) must have become involved in some violent quarrel; and although the aldermen maintained the privilege of one of their number, they were doubtless much displeased at the necessity for such action, added to the scandal of the prior's insolvency. Similar scandal in the case of a lay alderman was guarded against by a high

[1] Lond. Epis. Reg. Fitzjames, fo. 121; cf. the Hereford *Reg. Caroli Bothe* (Cant. and York Soc.), p. 26.

[2] Lond. Epis. Reg. Tunstall, fos. 51–57vo; *L. & P.* iv, 496; Rec. Corp. Lond., Repertory iv, fos. 198, 215 (also in vii, fo. 6vo, and in Letter-Book N, fo. 272vo). The Repertories are the minutes of the Court of Aldermen, some of which were also recorded in the Letter-Books. This is perhaps the first definite reference to the appointment of a Deputy: see other entries in the City records extracted by J. J. Baddeley, *Aldermen of Cripplegate*, pp. 109–10.

property qualification; and only in 1524 the Court had decreed that Sir Laurence Aylmer, who, in spite of that precaution, had fallen into debt and was a prisoner in Newgate, should be dismissed, and another alderman elected in his place. Their inability thus to get rid of the prior was a real grievance; and so the very fact that he was an alderman, coupled with the strong anti-clerical feeling then existing in London, may have encouraged the king and Cromwell, seven years later, to suppress the priory.[1]

Meanwhile, in December 1526, the bishop, Cuthbert Tunstall, after a personal interview, gave Hancock leave of absence for three years, to be spent at an English university; he commended the zeal the prior showed for the relief of his house, weighed down with debts through the negligence of his predecessors, *ut asseritur*. The licence was specifically granted to lighten those debts—presumably by cutting off the expense of maintaining the prior in residence in due state; it provided that the house should meanwhile be ruled, and its responsibilities met, by capable men deputed by the prior and convent. Hancock was back, however, in January, 1528, when, with other prelates, he took part in one of the costly pageants organised by Wolsey. Three years later the priory was apparently making an effort to raise money, for it let the parsonage of Lesnes and Erith, one of the churches appropriated to it, for ninety-nine years, at an annual farm of £6 13*s*. 4*d*.—a bad bargain, for the lessee was quite willing to pay as much as £10 a year to the king not long afterwards. The prior was present, for the last time, at the election of the Lord Mayor in October, 1531.[2] But that autumn or winter a valuation of the property of Christchurch was made for the king;[3]

[1] Rec. Corp., Repert. vii, fo. 19 (33, old numbering); Baddeley, *op. cit.*, pp. 141–2, 183 (there is a similar entry in Repert. iv, fo. 193vo). For the anti-clericalism of the City, see *V. C. H.* i, 246–7, 256, 259–60.

[2] Lond. Epis. Reg. Tunstall, fo. 156vo; *L. & P.* iv, 3764; P.R.O., S.P. Hen. VIII, § 74, pp. 2, 3 (cf. *L. & P.* vi, 3, 4, where relevant points are omitted); Rec. Corp., Letter-Book O, fo. 237.

[3] P.R.O. Rentals, etc., Portfolio 11, No. 15, fo. 7: see Appendix I. The valuation was somewhat optimistic, for the net income is there given as over £630.

and on 24 February 1532 the prior and the eighteen canons signed a deed giving him their monastery and all its possessions.[1]

They stated that they had, after mature deliberation, come to the conclusion that the house, its income much diminished and its debts overwhelming, would be altogether annihilated unless, it being a royal foundation, the king would swiftly come to its aid and provide a remedy. Read with no knowledge of the sequel, the deed might be interpreted as merely intended to confer upon Henry VIII (there is no mention of his successors) the fullest possible power to deal with all the property of the house, in order that he might, as Richard II and Henry VI had done, restore it to prosperity. And it is conceivable that the canons signed with that intention: one of them afterwards wrote they thought all was peaceful and quiet in their monastery and that they were fortunate to be there, and were occupied wholly with the observance of their Rule, when the suppression came suddenly upon them[2]—as if it were a bolt from the blue. He was not among those who had elected Hancock in 1524, and who were therefore partly to blame.[3] For there can be no doubt that the prior

[1] *Fœdera*, xiv. 411, where it is wrongly placed under 1531, and the reference should be Rot. Claus. 23 Hen. VIII. In the *V. C. H.* (p. 471, notes 115, 112) it is unfortunately cited from Kennett's collections in B.M. MS. Lans. 968 and from the summary in *L. & P.* v, 823. In the latter the omission of a comma after "debt" leads to the wrong inference that the priory still owed the king money in 1532, which is also implied in *L. & P.* v, 1731, where the relevant phrase of the original runs: "y^t^ I may haue a discharge of the Kynges highnes for the dettes of the hows:" the point being, as the context shows, that the king should in future be responsible for these.

[2] P.R.O., S.P. Hen. VIII, § 73, p. 123 (*L. & P.* v, 1744): Nam cum nuper apud nos monasterio christi omnia pacata et quieta esse satis existimauimus nos felices ibidem fuisse . . . et religioni totum deditos: exinspirato [*sic*] obuenit nobis illa nephanda separatio diruptio et tandem Universe domus euersio et suppressio.

[3] Only the first seven who signed the surrender, i.e. all those in orders (*domini*) are on the list in Tunstall's Register, fo. 51. The name given as Dawsen in Lans. MS. 968 (*Monasticon*, 1830, vi, 151) is Dawrea on the Close Roll, as in *Fœdera* and *L. & P.* v, 823.

must be held responsible for the fall of his house. In theory he had absolute control over it, and was ultimately answerable for all its liabilities; actually, it is evident from his letters afterwards [1] that the negotiations before the surrender were conducted by him, and that he had been deluded by false hopes. Months later he complained:

> All my Frendes turnyth frome me w^{t} many anevyll word, & sclawnderous tale by me is spokyn And all be cause geuyng up my hows & ryght, they say, I rekonyd good profytt And quietnes towardes me y^{t} doyng And as yet the contrary I Find.

The bishop's registrar indignantly noted in the margin of the entries about Hancock's election and leave of absence in Tunstall's Register [2] that the priory was suppressed in consequence of his lax and imprudent administration; the contemporary city annalist wrote:

> In July the king put down the prior of Christchurch in London, all the canons of the same place the king sent to other places of the same religion; for because the same prior lived unthriftily and with his ungracious rule brought the same house in debt, (so) that he was not able to keep his house and maintain it.

The later story, perpetuated by Stow, was that the king himself,

> minding to reward Sir Thomas Audley, speaker of the Parliament against Cardinal Wolsey, sent for the prior, commending him for his hospitality, promised him preferment, as a man worthy of a far greater dignity, which promise surely he performed,

[1] *L. & P.* v, 1731–5; the last, whose original (P.R.O., S.P. Hen. VIII, § 73, p. 114) is quoted above, must be later than the death of Warham, Aug. 1532, and should be connected with that summarised in *L. & P.* vi, 1653. For the legal powers and responsibilities of the prior, see Pollock and Maitland, *Hist. Eng. Law*, I, bk. II, ch. ii, §§ 4, 12.

[2] Fo. 51: Anno Domini millesimo quingentesimo xxxiij^{o} (*sic*) suppressus erat prioratus ex improvida administracione prioris hic electi valor huius prioratus extendebat ad v^{c} viij.li xiij.s ix.d.

Fo. 156vo: racione negligentie remissionis et improvide administracionis domini Nicholai hancock prioris huius prioratus iste prioratus extinctus erat Anno domini millesimo quingentesimo xxxij^{do}.

and compounded with him, though in what sort I never heard, so that the priory with the appurtenances was surrendered.[1]

Stow was certainly wrong as regards Audley, and there is no other evidence that Henry personally intervened. But he must have been cognisant of Cromwell's devices; and one may surmise that they deliberately selected the Aldgate priory from among the many houses in England whose affairs were in equal confusion, as a suitable case for experiment.[2] If the City did not actively protest against the dissolution of one of the greatest London houses, largely endowed by former citizens, and that dissolution were achieved without disorder, a precedent would be established which would go far towards ensuring acquiescence in the dissolution of many others. From that point of view it was wise to begin by attacking a house whose anomalous privileges would have made it somewhat of a nuisance in London, even if the mismanagement of its affairs had not brought it into disrepute among the richer citizens, and exasperated many small creditors besides.

Distracted letters written by Hancock to Cromwell after the surrender,[3] begging to have a discharge from the king for the debts of the house, show that he was desperately hard pressed by some of those. Being no longer prior and alderman he dared not stir out of doors for fear of arrest, legal proceedings having been taken against him to recover three debts—due, respectively, for a quitrent, to a butcher, and to a carpenter:

> And atachment warded agaynst me for the payment thereof which I have not and ye woll lay me in prison and there to dy, for I have sold all y^{t} I have and now do begg and borow, and y^{t} Few or none woll lend me Seing y^{t} I have gevyn up my rome and howse as they say but bade me sue to the doers thereof.

[1] *Camden Miscellany*, xii, 6 (cf. the later Greyfriars' Chron., in *Mon. Fran.* (Rolls Ser.), ii, 194); *Survey*, i, 141.

[2] I had come to this conclusion before I discovered that Fuller (see below, p. 146–7) had anticipated it.

[3] *L. & P.* v. 1731–4: from P.R.O., S.P. Hen. VIII, § 73, pp. 110–13. The passage quoted is on p. 111 (No. 1732).

The three debts together amounted to under £11 : a sum which seems ludicrously small considering the large capital value of the property, especially that in London, held by the priory. It would have been difficult to alienate any of this [1]—a measure requiring both papal and royal licence, the former unattainable since 1529 ; but one would imagine that enough money to pay such debts could easily have been raised by the sale of more long leases. The documents relating to the subsequent disposal of the estates indicate, however, that the affairs of the priory were in hopeless confusion ; among them is a list [2] of "Fynes and Incombes takyn . . . by the last prior . . . for grauntes and leeses . . . to his own proper use and pleasure and not to thuse of the monastery,"—the total being over £300. The apparently heartless treatment of Hancock may therefore have been designed to extract from him documents and information which he was ashamed to produce. In May an annuity of 100 marks was granted to trustees for his benefit ; he still hoped that better provision might be made for him, and at last, nine years afterwards, Lord Audley gave him the vicarage of Braughing, once in his own gift as lord of the manor and rector. Meanwhile, though not till six months after the surrender, the canons were dispersed and the house closed ; they were sent to other houses of the order, being provided (perhaps because at first they were not welcomed) with royal letters commanding their admission.[3]

A rumour immediately arose that the king intended to use the buildings for the accommodation of the Observant

[1] See the second Statute of Westminster, 13 Edw. I, c. 41 (*Stat. of the Realm*, i, 91), and Lyndwood, *Provinciale* (1679), p. 149.

[2] P.R.O., T.R. Misc. Bk 162, fo. 37 : cf. Appendix I.

[3] *L. & P.* v, as p. 136 above, and 1065 (34), 1744 ; Newcourt, *Repertorium Eccles. Lond.*, i, 561, 807–8 ; chronicles, as p. 137, followed by Stow (who, with his usual haziness in chronology, gives the date as July, 1531, confusing the surrender in Feb. 1531–2 with the dispersal six months later) ; *Visitations of the diocese of Norwich* (Camden Soc., New Ser., 43), p. 310. The last reference I owe to Mr. G. Baskerville ; it corroborates the date given for the dispersal by the chronicler.

friars from Greenwich, and transform their house, close by his palace, into a college. This, probably based on the fact that all former suppressions had had some such result, long remained current, and there may have been some truth in it: Henry certainly, at one time, considered a plan for a hospital endowed with Christchurch lands. Cromwell's papers, however, suggest that from the outset it was intended that most of the property should be diverted to secular purposes. By the autumn of 1532 the 100*s.* from the ferm of the City had been paid over to him for the use of the king, and he had resolved "to devise a commission for Christchurch." By the next February two Masters in Chancery, Dr. Rowland Lee and Dr. William Oliver, were sitting as commissioners at Aldgate, adjudicating on the claims of the priory's creditors; with them was William Cavendish, then Cromwell's clerk, who had for some time been acting as receiver of the income from the estates.[1] During that winter, also, Sir Thomas Audley, Lord Keeper since the previous May, asked Cromwell to persuade the king to give him a house lately belonging to Christchurch, a short distance from London (not worth, he was told, more than twenty marks a year): his promotion had involved so much expense that he was in serious financial difficulties. This modest request was, apparently, the first intervention of Audley in the affairs of the priory whose heir he ultimately became.[2]

[1] Ellis, *Orig. Letters*, 3rd Ser., ii, 247, 255 (*L. & P.* vi, 115, 116); *L. & P.* v, 1362, 1548, vi, 228; vii, p. 352, No. xxxvii (cf. other allusions in this set of "Remembrances"); P.R.O., S.P. Hen. VIII, § 73, p. 100 (*L. & P.* v, 1722, wrongly dated, as it must be after 2 Feb. 1532–3): a petition from one who had been a servant there (cf. *L. & P.* ii, 115) saying that the convent owed him over £9, "as Maister doctor olyver, Maister doctor lee and William Candyssh clerk to yo^r^ saide maistership aboute the Fest of the purificacion of o^r^ lady last syttyng in the priory of Christchurch aforesaide as commissioners for our soueraigne lord the Kyng, . . . truly had . . . perfytt knowlege," but that Cavendish had refused to pay him more than 20*s.* Cf. *L. & P.* v, index: the corrected date makes it certain that "Dr. Lee" was Rowland, not Edward. The deed of surrender had been "recognised" by the canons before him and Dr. Oliver (*Fœdera*, xiv, 411).

[2] *State Papers, Henry VIII* (1830), i, 388 (*L. & P.* vi, 2; cf. v, 1514).

It was another year and more, however, before any such grant was made. It would not have been valid unless there had already been held, in the county concerned, the "inquest of office" necessary whenever property, for whatever reason, escheated or fell to the Crown. Two statutes of Henry VI made void all grants or letters patent issued before the verdict of a jury was returned into the Chancery or Exchequer in order (as Blackstone says) "to give the king his right by solemn matter of record": the king could not acquire a legal title except by such a verdict—an "office," as it was often called in the sixteenth century.[1] Wolsey had used inquests of office to facilitate his suppressions: after his fall it was said that he had "caused divers offices to be found by verdict, untruly, that the religious persons so suppressed had voluntarily forsaken their said houses, . . . and so (he had) caused open perjury to be committed"; and the lawyer-historian Hall accused him of having "put out the religious . . . and then caused the escheator to sit and find the houses void, as relinquished, and found the king founder where other men were founders."[2] The odium he had thus incurred might well warn Cromwell to proceed with caution; and so, although there was talk of "an office of the lands of Christchurch" early in 1533 (when the lessee of the parsonage of Erith asked that his indenture might be included in it), it was not till August that drafts of four offices, presumably prepared for the juries beforehand, reached Audley, who would be responsible for sealing letters patent based upon them. He thereupon wrote to Cromwell:

I lately receyued by the handes of your seruant Candisshe a boke of paper concernyng the state of the late monasterye of Christeschurche, and iiij rolles of paper concernyng the offices drawen of the possessions of the said monasterye, except

[1] Statutes 8 Hen. VI, c. 16, and 18 Hen. VI, c. 6 (*Stat. of the Realm*, ii, 252, 306); *Commentaries* (edition 1773), iii, 258–9.

[2] Lord Herbert, *Henry VIII* (edition 1672), p. 297 (*L. & P.* iv, 6075); Hall, *Chron.* (edition 1809), p. 694.

London. In which matter assone as hit shall please god to send me helth I shall procede with effect as shall aperteyne, nevertheles forasmuch as it appereth by the draft of the saide offices that the late Prior under covent seale gave the said late monastery w^t^ all the possessions thereof to the king . . ., it is very requisite that I mought se the saide graunt; Praying you . . . to send the same to me in a box under your seale, & I shall se it savely kept and restored to you agayn.[1]

Evidently, having studied the deed of surrender, the Lord Chancellor was not satisfied: for in March 1534 the question of title was settled by an Act of Parliament, "concerning the assurance of Christchurch in London to the King's Highness and to his heirs."[2] This declared that whereas the prior and convent had (1) "for divers considerations" granted the monastery and all its possessions to the king, "and to his heirs and successors," by their deed under their conventual seal; and (2) after making that deed "by their free wills and assents" departed, leaving the monastery "profane and desolate by the space of two years and more, whereby the service and obsequies hospitality alms and rules of religion which should have been done" there, "according to the rules, statutes and ordinances of the founder thereof . . . remained undone": therefore its site and all its possessions rightfully belonged to the king as its founder, because it was founded by his progenitors and its lands were "given to hold of them their heirs and successors in perpetual alms." In consideration of those premisses and "for further surety to be had of the same" to the king and his successors, it was enacted that he should enjoy all the property, and possess it as completely, "as though office and offices had been duly found thereof according to the laws of this realm; and that all letters patent made and to be made" regarding it should be "good and effectual in the law . . . albeit none office or offices be or shall be found" of the property described in them. Further

[1] P.R.O., S.P. Hen. VIII, § 78, p. 122 (*L. & P.* vi, 976).

[2] *Stat. of the Realm*, iii, 489. The Act passed through all its stages between 17 and 24 March (*Lords' Journals*, i, 76–9).

clauses safeguarded the rights in the property, dating before the surrender, of everyone except the prior and convent, and the king's title to any of it by virtue of any office or offices found before 20 March 1534.

It will be seen that this Act was even more untruthful than the verdicts which Wolsey was accused of extorting: but it served its purpose well. It removed the necessity of inducing local juries to declare the king the rightful owner of monastic lands, without running the risk of an attempt to repeal the statutes of Henry VI; and it superseded the ambiguous deed of surrender, in which the king's heirs were ignored.[1] In London a further question had, probably, been already raised: could any corporation, spiritual or temporal, be dissolved by the action of the persons in whom it was for the moment embodied?[2] The City, then as now, was a network of corporations, great and small, to which the citizens were accustomed to entrust the administration of the property they devoted to public or charitable purposes. The possibility that the members for the time being of any one of these, sufficiently tempted, might in future practically dissolve it, and hand over all its property to the king, supposing such a surrender were once recognised as conferring a valid title to land, was enough to wreck the chances of a favourable office being found by a London jury,—summoned by elected sheriffs and reporting to an elected escheator, the mayor. And if, instead of basing its verdict on the deed signed by the prior and canons, such a jury were asked, in addition or as an alternative, to affirm the second argument used in the preamble of the Act, that would be an invitation to manifest perjury. The citizens were well aware that the

[1] A defect remedied in the later deeds: see *Fœdera*, xiv, 555–7.

[2] This question became of vital importance to the City itself in its struggle with the later Stuarts: see the "Postscript" on "the Surrender of Corporations" appended to *The Pleadings and Arguments and other Proceedings in the Court of Kings Bench upon the Quo Warranto* (London, 1690). Cf. Holdsworth, *Hist. of Eng. Law* (1923), iii, 489–90.

canons had not voluntarily deserted the priory; and they were not likely to ignore the gift of the cnihtengild (is it not recorded in their archives?) and acknowledge the king as sole founder of Christchurch: as the donor to whom, by the convent's default, even its rights and lands in their Portsoken would revert. So that a serious obstacle to the royal claims probably underlies the "except London" of Audley's letter, and the silence of the City records about the vacant aldermanry until February 1534.

But acceptance of the legal position created by the Act involved no endorsement of the statements in its preamble; and the only evidence that some Londoners regretted the fall of Christchurch, in itself, is that of Stow. Probably, however, he was not alone among the poorer citizens in gratefully remembering the prior's hospitality; and it is possible that his assertion that the dissolution was due to the king's desire to reward Audley perpetuates a confused but not altogether unfounded London tradition. The Act was quite successful in practice; it became a precedent for the two famous ones of 1536 and 1539 under which the representatives of Henry VIII and his grantees still hold all the land once belonging to the monasteries.[1] Such a solution of the legal problem accords with Audley's general policy, indicated in a letter of 1532 on another matter: "In case herafter ther shold happen any doubt of errour in hit, it myght sone be holpen by Parliament w^t^out difficultie";[2] and, as Lord Chancellor, he would have had much to do with piloting the bill through Parliament. His reward was immediate and magnificent. First, in March and

[1] The first enacted that since the value of the houses concerned was known the king might dispose of their property "without further inquisition or office"; the second provided for the validity of his letters patent issued for that purpose in despite of various possible objections, among them "lack of finding offices or inquisitions, whereby the title of his highness therein ought to have been found." See *Stat. of the Realm*, iii., 576, 737.

[2] B.M. MS. Cott. Vesp. C. xiv, fo. 149 (166 later). The words "act of" are crossed out before "Parliament." Cf. his attitude towards the royal supremacy: Foxe, *Acts and Monuments* (editions 1841–77), vi. 3.

April, 1534, he obtained Aldgate and some property in the Portsoken ; then, by a grant which he drafted himself, the site of the priory within the walls and all its contents (valued at £2,583), with some estates in Hertfordshire ; later he received additional and confirmatory grants, making assurance doubly sure. But in the very first it had been carefully stated that the property came to the king by the authority of Parliament, as well as by the gift of the prior and convent.[1]

Audley seems to have claimed, under these grants, the rights of the prior as lord of the Portsoken as well as the exemption from civic jurisdiction of the precinct within the walls. A fruitless resolution of the Court of Aldermen on 12 February 1534, that an alderman should be chosen for the ward of Portsoken, was followed on 30 March (i.e. after the Act had been passed and Audley's first grant sealed) by one to " repair to my lord chancellor to know his mind for the office concerning the lands belonging to the late prior of Christchurch." An inquest of office, by then, would only have been required to ascertain the exact limits of the property and the privileges of its holder ; and it is probable that Audley maintained that these included the aldermanry of Portsoken, as well as seigneurial rights over vacant or waste ground there, by the roadside and about the City ditch, which otherwise would have been " common soil," at the disposal of the mayor and commonalty. Two years later there was another vain resolution that the mayor should proceed to hold an election for the ward ; soon after the counsel of the City were ordered to report to the Court of Aldermen what right and authority they had in Aldgate. In 1537 the controversy was still going on, the lord chancellor even claiming the keys of the gate itself ; and the Court was beginning to discuss the possibility of buying

[1] Appendix I, No. [6] ; *L. & P.* vii, 419 (28), 587 (10), 1601 (35) ; viii, 481 (13), 962 (26). For other references to the property of the priory and its disposal (to the end of 1537) see *ibid.* v, 152, 1663, 1691 ; vi, 299 ; vii, 147 (15), 923 *passim*, 1601 (34) ; viii, 291 (19), 802 (20) ; ix, 914 (8) ; x, 254, 1256 (48) ; xii (i), 1330 (47) ; (ii) 796 (7), 1027.

him out. Apparently there were two concurrent schemes: one to purchase from him part or all of the lands "late belonging to Christchurch" which he held in London, valued at over £50 yearly rent; the other to pay him something to relinquish his seigneurial rights in the Portsoken. The second succeeded: the aldermen resolved "to make an end" with the lord chancellor for all the "right and title that his lordship pretendeth to have to Aldgate, Portsoken and the lands of this city," and agreed to give him 200 marks "for his goodwill and favour." What this meant is shown by an acquittance which Audley signed in September 1537, acknowledging the receipt of the 200 marks in return for the "right, title and interest" he claimed in Aldgate, with the houses, gardens and stables adjoining and belonging to it, and in all the soke without the gate and all the gardens lately enclosed by the city in the highway adjoining to the Ditch. The first elected alderman of Portsoken was duly chosen in the following January,—six years after the last prior-alderman had disappeared.[1] The other scheme long lay dormant, but was revived under Elizabeth: in 1592 the City bought the precinct of Duke's Place, as it was called after Audley's son-in-law, the Duke of Norfolk, had succeeded him there.[2] Its inhabitants, however, kept certain immunities till 1608, when these were extinguished by James I's second charter to the City.

Stow, who in his boyhood often passed by Aldgate to fetch milk from a farm near the Minories, is good evidence for what happened when Audley began to adapt the convent site and buildings to secular uses. The precinct, roughly triangular in shape, with a narrow lane between it and the Wall as its north-east boundary, was edged by

[1] Rec. Corp. Lond. Repert. ix, fos. 46, 53v°, 146v°, 153v°, 254–7, 262–4; Letter-Books Q, fo. 116 (see Appendix II, below), P, fo. 138v° (also in Repert. x, fo. 17v°). For the second scheme, see also Repert. ix, fo. 270, Repert. x, *passim* (cf. the contemporary attempt of the city to acquire other precincts: *Tudor Studies, ut supra*, p. 301).

[2] Letter-Book A B, fo. 106; Newcourt, *Repertorium*, i, 588.

houses all along its other two sides, except where St. Katharine Cree stands by the side of Leadenhall Street. Within it were gardens and a large churchyard, as well as the priory buildings (the cloister is now represented by Mitre Square), including the great church. Audley offered this, with the bells (valued at over £300) to the parishioners of St. Katharine's, in exchange for their small church, meaning to pull that down, and build along the street frontage thus gained. But they, "having doubts in their heads of afterclaps," refused it. One can imagine Stow, a ten-year-old boy, lingering to watch what followed:

> Then was the priory church and steeple proffered to whomsoever would take it down, . . . but no man would undertake the offer, whereupon Sir Thomas Audley was fain to be at more charges than could be made of the stones, timber, lead, iron, etc. For the workmen, with great labour, beginning at the top, loosed stone from stone and threw them down, whereby the most part of them were broken and few remained whole; and those were sold very cheap, for all the buildings then made about the city were of brick and timber.

The walls of the church, however, were not destroyed: its roofless choir and nave became courts of a splendid mansion, the lord chancellor's town house from 1535 till his death in 1544.[1]

And—there were no "afterclaps" in London. The city remained quiet during the Pilgrimage of Grace; individual citizens soon began to make fortunes by dealings with the property of the religious houses. The experiment, if such it were, had succeeded; and the general secularisation of monastic estates which followed was retarded by no such difficulties as had kept those of Christchurch on the king's hands for two whole years. Fuller, writing about 1650, was nearer the truth than the modern historians

[1] *Survey*, i, 142; P.R.O., Rentals, etc., portfolio 11, No. 15, fo. 3; *L. & P.* ix, 41; facsimiles of plans (*c.* 1592), now at Hatfield (cf. the Hist. MSS. Comm. *Calendar*, xiv, 48) illustrating an article by W. R. Lethaby in *Home Counties Mag.* ii (1900). The drawing of the gate (1793) there reproduced is from J. T. Smith's *Antiquities of London*.

who have ignored its story when he devoted a separate sub-section of his *Church History* [1] to "The first priory which was solemnly suppressed by King Henry the Eighth." He was mistaken when, following Stow, he emphasised Henry's desire to gratify Sir Thomas Audley, then Speaker, "and make him speak shrill and loud for his master." But there may be much in his supplementary conjecture, apparently based upon talk still current, that it was the king's design

> . . . to make a discovery in people's affections. . . . He dispatched this convent first . . . and if he had found the people much startled thereat, he could . . . retrench his resolutions, and (dexterous to decline envy for himself) handsomely cast the same on his instruments employed therein.

And he was certainly right in suggesting that the part taken by Audley, a lord chancellor and a common lawyer, in the confiscation of the lands of Christchurch, "shrewdly shook the freehold of all abbeys."

APPENDIX I

Extant Surveys of the Property of Christchurch [2]

[1] *P.R.O. Portfolio* 11, *No.* 15, fos. 7, 8.]
A valor of all the property "nowe being in the hondis and possession of the Pryor and Conuent" of Christchurch London, and "the annuall charges and Reprisis going owt of the same landis. For one hole yere endid at" Michaelmas 23 Henry viii. See above, p. 134.

[2] *Portfolios* 3, *No.* 12, *and* 11, *Nos.* 12, 16.
Lists of some of the London property; incomplete, some mutilated.

[1] Book VI, § iii: vol. iii, pp. 358–62 in Brewer's edition (Oxford, 1845).

[2] Cf. *P.R.O. Lists & Indexes*, xxv, *Rentals and Surveys*, pp. 197, 205. In my list the relevant Surveys are given in chronological order. Portfolio 11, No. 15, contains four distinct documents about Christchurch: on fo. 5, between those here numbered [5] and [1], is a rough draft of one of the grants to Audley.

[3] *Misc. Books, Tr. of Receipt, vol.* 162 : 49 folios.

Other lists (including many quitrents), interspersed with memoranda in a different hand. For two of these, see p. 138, above, and Appendix II (*a*). Others comment on the mismanagement of the property : e.g. (fos. 12vo, 17) on the number of quitrents which had been allowed to lapse.

[4] *Rolls* 437 (*L. & P.* xii (ii) 777, where it is wrongly dated [1]) and 438.

A fair copy of a statement of the whole income of the late monastery, both *spiritualia* and *temporalia* : roll 437 in London, 438 elsewhere.

[5] *Portfolio* 11, *No.* 15, fo. 3. In the same writing as [4].

An estimate of the value of the site and its contents (specified).

[6] *Ibid.* fo. 1. In the same writing as [4] and [5]. Headed :—

" The valo^{r} of all suche londis and tenementes withe the site precincte and ambite of the monasterie of Christis churche London of the whiche Sir Thomas Awdeley knyght Lord Chauncello^{r} hath made a boke to be signed with the kinges hand for the gyfte of the same. As hereafter brevelie is declared."

APPENDIX II

The Aldermanry and Portsoken.

(*a*)

P.R.O., Exch. Misc. Bk. T.R. 162, fo. 36vo.

Alderman of London [2]

Item the order Rule and governaunce of the ward of portsokyn oon of the xxv wardes of the Cite of london (tyme of the contrary

[1] The heading is mutilated, and part of the date has disappeared : the portions left show that the statement was for a year ended Michaelmas, xxi Hen. viii. There is a " th " above the missing letter or letters, and the tail of some letter below, which is certainly not x. On palæographical grounds, therefore, the date cannot be 29 Hen. viii, as in *L. & P.* and *List* xxv, p. 197 ; by that time, also, the estates were in the possession of Audley and other grantees. It is almost certainly 24 Hen. viii. Roll 438 is not dated, but is obviously a continuation of 437. The two together correct in important respects the list of estates, compiled from grants etc., in *V. C. H.* i, 473.

[2] In margin.

whereof no mynd of men ys) hath alweyes belonged to the monastery of the holy Trinite otherwise called Cristchurch of london and by al' the same tyme the priors of the same for tyme beyng successively have had from tyme to tyme thorder rule and governaunce of the ward aforeseid and ouer that have contynually kept the rowme and office of an alderman of the seid Cite and have had sete and voice aswell in the Councell Chamber w^t^ the mair' and aldermen of the seid Cite as in al other courtes and places of preemynence withyn the same Cite and elswhere in euery congrecion [1] of the seid meir' and aldermen for the tyme beyng. And also have hadde and enioyed thauncientte [1] of euery alderman of the seyd Cite (not beyng then maire of the seyd Cite) and also to sitt next to the mair' for the tyme beyng and to speke and shewe hys mynd and opynyon in euery mater concernyng thorderyng and discussyng of almaner matters concernyng the welth rule and goode governaunce of the Cite aforeseid withowt eny cost or charge beryng or paying for the same or exercisyng of eny other office withyn the same Cite but oonly the seid office of alderman of the ward aforeseid.

(*b*)

Rec. Corp. Lond., Letter-Book Q, fo. 116 (11 Sept.[2] 1544)

The Lorde Awdeleys Aquytaunce [3]

Item yt is this daye orderyd by the Courte here for good consyderacions movyng the same that an acquyttaunce made by Sir Thomas Awdeley knyght late lorde chauncelour of Englond for the Receyte of CC markes sterling of the lorde mayer and Comminaltye of this Cytie by the handes of the chamberleyn of the same Cytie for & in consyderacion of suche Right Tytle & intereste as the seid lorde Chauncelour pretendyd to have in & to the Cyties gate callyd Algate & certeyn howses Gardeyns and Stables therunto adioyning & in & to all the soke withowte the seid gate & the gardeyns adoiyning to the Towne dyche there which acquytaunce nowe Remayneth in the custodye of the seid chamberleyn shalbe substancyally ingrossed & entred of Recorde de verbo in verbum. The tenour wherof herafter ensueth.

This byll made the xijth daye of September in the xxixth yere of Kynge Henrye the eight wytnessyth that I Sir Thomas

[1] *Sic*: for congregation and ancienty (seniority), respectively. The mistakes in grammar, etc., are also in the original.

[2] Audley had died on 30 April.

[3] In Margin.

Audeley knyght lorde chauncelour of Englond have receyved of the lorde mayer & Cytezens of london by the handes of George Medleye Chamberleyn of the same Cytie two hundreth markes sterling in & upon a communicacion bytwene the same Cytie & me for all suche right tytle & intereste as I pretende to have of & in Algate & the howses Stabulles & gardeyns therto adioyning & belongyng & of & in all the soke withoute the gate & all the gardeyns latelye enclosed by the seid Cytie in the highe waye nexte adioyninge to the Dyche of the walles of the Cytie. In wytnes wherof I have Sealed this byll & Subscrybed my name therunto.

Thomas Audeley Miles Canc'.

EXPERIMENTS IN EXCHEQUER PROCEDURE

(1200–1232)

By Miss Mabel H. Mills, M.A.,

Read 14 *May*, 1925

"Experiments in Exchequer Procedure" may suggest a series of unimportant financial developments, with only a remote interest for students of medieval history, and of no value to anyone else. But finance lies at the bottom of most medieval, as well as of most modern, historical problems: the complaints of the barons in 1215 are chiefly financial in origin, while the struggle over the Charters is the central point round which our enquiry is built. Moreover, in these years changes took place in exchequer procedure which laid the foundations for the new structure which gradually superseded the old in the thirteenth and fourteenth centuries—a structure different from its predecessor, though the old forms were maintained, a not uncommon feature in English administrative history.

A comparison of the Pipe Rolls under Henry II and at the end of the thirteenth century makes this point clear. In the twelfth century they were essentially simple, in the fourteenth exceedingly complex. In the first period, each debtor was personally responsible for the payment of his debt: by the second, an intermediary, the sheriff, had been interposed between debtor and exchequer. At the second date, he was responsible for the collection of all debts within his bailiwick: the debtors answered to him locally, he in turn accounted for them to the exchequer, making a series of lump payments in his own name, and being held personally responsible on the Pipe Roll for the amercements of a par-

ticular court in a certain year.[1] It is this change from direct to indirect responsibility which marks the difference between twelfth and fourteenth century procedure. There are, however, other points to be considered. The farm of the shire retained its old place, but in a new guise and with new shoots. The debts, formerly individually large in amount and few in number, were now almost overwhelming in their numbers and generally quite small in value. Their origin was no longer feudal: they arose largely from arrears of accounts and from fines and amercements levied as a result of some process in the royal courts. The character of the debtor had also changed. Under Henry II he was normally a great baron, an important official, an ecclesiastic, or the representative of a town. By 1300 the net had spread much wider, so that it included many quite unimportant people. But the really important change was that the sheriff became responsible for the collection of all debts in his shire (outside special liberties), the Pipe Roll formula being: "The same sheriff renders account of ——." The details were given on Originalia and Estreat Rolls.

This analysis has served its purpose, if it proves that the exchequer system of the fourteenth century differed from its predecessor in the twelfth, the change being in the direction of an increase in the number of debts, a decrease in their individual value. We have here to trace the first steps in this direction, to ascertain the causes of the change, and what attempts were made to find solutions for problems which confronted the exchequer in the early thirteenth century. Before John's accession, little change had occurred: Peter de Rivaux's seizure of the sheriffdoms in 1232 marked a distinct stage in the journey, ending the experimental period.

Chronologically, our subject falls into three main divisions: the first deals with John's reign to the sealing of the Great Charter, the second with the struggle between king and barons, and the third with the early part of Henry III's

[1] Cp. "The Pipe Roll of 1295, Surrey Membrane" (Surrey Record Society, Vol. XXI), pp. xxiv–xxviii, 16–24.

reign (Martinmas, 1217 to 1232). Until 1215, the exchequer was attempting to solve the problems created by Henry II's legal reforms, a complete breakdown followed, and then, after 1217, came determined efforts to re-establish order, to develop improvements begun at the earlier date. In each period the developments in both farm and summonses are examined.[1]

I. With regard to the summonses the first question is how far they were affected by Henry II's legal reforms. Now these reforms drew an ever-increasing volume of business into the royal courts : they formed an ever-increasing barrier to the transaction of all business at the exchequer. A steady stream of writs issued from the chancery : acting on these, the king's justices amerced officials, jury, plaintiffs and defendants for defaults of all kinds. The result was a vast body of small debts that had to be collected. The details of fines for the issue of writs, and of the consequent amercements were forwarded from chancery to exchequer on Originalia Rolls—though this term was later applied only to debts arising in the chancery, all others being entered on Estreat Rolls. Now fines for issue of writs were usually half a mark, while amercements of that value were normal : if this sum were divided among a number of people, each individual's share would be small. As the business passing through the royal courts steadily increased, the number of debts grew too. Even by the end of Henry II's reign, it must have been clear that new machinery was needed to cope with the new type of revenue. In the early thirteenth century the question of reform became urgent.

[1] I am deeply in debt to Professor Tout, *Chapters in Medieval Administrative History* (especially for Peter de Rivaux) ; to Mr. Hilary Jenkinson, *Financial Records of the Reign of King John* (Royal Historical Society, Magna Carta Commemoration Volume), as well as for much help on many difficult points ; and to Mr. Charles Johnson for his recent discoveries among the Chancery Miscellanea, especially for the draft of Pipe Roll 17 John, to which he first drew my attention. The chief record authorities are unpublished exchequer records, especially Pipe, Memoranda and Receipt Rolls. Many statements are based on detailed analysis of these, and it is, therefore, often impossible to give exact references, without overburdening the text with lengthy footnotes.

A Yorkshire account shows the nature of the problem. The sheriff owed roughly £610, collected on account of 972 payments of the whole debt, in addition to 122 partial payments, giving a total of 1094 tallies cut and entered on the Receipt Roll.[1] This was one year's payments on the amercements of a single eyre in one county—an extreme case—but examples of two or three hundred tallies to one eyre are not rare, a hundred are common.[2] There are several sets of these for each shire in a normal year. The full significance of this is only realised when it is known that every one of these debts had in theory to be entered on the Pipe Roll every year until they were paid in full: many of them were so entered.

The methods employed for collecting debts and paying them into the treasury were complicated. If the sheriff had to issue a private tally for each sum collected,[3] congestion must soon have become a pronounced feature of local organisation: it must have been even more serious, when all the sheriffs appeared at Westminster at Easter and Michaelmas to make their profers. There was only one writer of the tallies at the Lower Exchequer: several hundred tallies might have to be cut for each accountant. The sheriff, having received his tallies, normally carried them back to his shire. Whether he distributed them to the individual debtors is not clear, but the general trend of the evidence suggests that he did.[4] If so, they had again to be collected before payment could be proved. Once tallies came back to the exchequer, they had to be paired with their foils before the account could be cleared, the debtor declared quit.

[1] Pipe Roll 46, 2 John, Yorkshire. Cp. Lincolnshire (dorse) where 1018 tallies were issued.

[2] Pipe Roll Society's publications, Vol. XXVII, p. 71, gives an early example; Pipe Roll 46, m.6d., Lincolnshire, one for 370 tallies.

[3] Cp. Memoranda Roll, Lord Treasurer's Remembrancer, 13, m.4d., where the men of Kingston profer a tally *contra Juelem de Sancto Germano* who had recently been under-sheriff. This is clearly a private tally.

[4] Orders to sheriffs to distrain debtors to have tallies allowed are common on the Memoranda Rolls (Compotus) at this date.

Relief measures were obviously essential, and attempts at reform had already been made before Henry II's death. At the end of the reign desperate debts were twice removed from shire accounts to the beginning of the Pipe Rolls: [1] about the same time appeared the first marginal notes on the state of the debts,[2] and even earlier there are tentative efforts at grouping small debts under half a mark in value in a single entry under the sheriff's name.[3] At the end of Richard I's reign but little progress had been made: the real problem remained unsolved. But by then the scribe's burden was slightly relieved, since he no longer had to enter every debt on the roll: the relief was small and affected the Pipe Roll alone. Tallies still had to be cut, distributed, and re-assembled. In John's reign, the number of debts increased out of all proportion to the amount of relief gained. By 1199 grouped entries were still only used for a few total payments under half a mark. Even later, if the number of tallies given in a grouped entry is divided into the total, the result shows that each debt was rarely worth more than a mark.

From 1199 the increase in the number of fines and amercements was rapid. On the Pipe Roll of 1200 long double-columned entries were already common: early in Henry III's reign long paragraphs of unpaid debts were used to save more space. In 1200 a double-columned entry of the debts of one eyre took up nearly the whole dorse of a Pipe Roll membrane.[4] It would be interesting to know the real cause of this rapid development. Was King John acquiring a real grip on the administration of justice throughout the country? Was it the natural result of Henry II's assizes? Whatever the explanation, the constant appearance of shire officials demanding innumerable small sums must have been a fruitful source of irritation throughout the country. It is

[1] Pipe Rolls 28 and 33 Hen. II (Pipe Roll Society), p. 1.

[2] Pipe Rolls (Originals) 31 and 34 Henry II, *passim*. They are not shown in the printed rolls. Marks on earlier rolls appear to be modern.

[3] Pipe Roll 24 Hen. II, p. 71, Yorkshire.

[4] Pipe Roll 46, m.5d., Lincolnshire.

true that the barons' complaints in 1215 were largely based on abuses in the collection of feudal revenue. But is it possible that these petty exactions were really the unending pinpricks which urged them on? Whatever the cause, by 1215 the Pipe Roll was hopelessly clogged with long lists of fines and amercements, of debts with which, in spite of strenuous exertions, the exchequer had utterly failed to cope.

The invention of the *tallia dividenda* in 1206 offered the real solution of the problem, though this fact was not realised until more than ten years later, if fully then. The fact remains that in 1206, perhaps slightly earlier, some official at the exchequer had a really brilliant idea, which, like all great inventions, was also extraordinarily simple. The sheriff brought in large sums of money at his profer. Why should he not receive a single tally for the total instead of one for each individual payment? This is the essence of the new system. At first two types of these new dividend tallies made their appearance: the earliest was based on the farm, the payment there being much larger than was necessary to cover the amount due, with the result that a large surplus remained to his credit. On the same roll against the debts of individuals, and against grouped entries, was then added the words: "In the treasury nothing and in the abovementioned surplus so much." The total of these sums corresponds exactly with the surplus under the farm, or with the entry that £x had been allowed below, the remainder being usually used in the same way the following year.[1] In 1207 we find the first examples of the second type, the true dividend tally, which has no essential connection with the farm.[2] Examples of both types are found, but under Henry III the second gradually superseded the first. This is a simple, but a vitally important, reform,

[1] Cp. Pipe Roll 52, Kent and Surrey.

[2] Amercements through the Archdeacon of Stafford, Pipe Roll 53: Cornwall. The sheriff rendered account of 21 debts, worth £19 16*s.* 8*d.*: he paid £25 10*s.* in one tally, the surplus being credited to him for his debt on the farm. Another example is found in the same county under the tallage.

for on it, and on its successor the tally *de debitis plurium*, was built up the whole system of grouped entry and indirect responsibility which was so marked a feature of fourteenth century procedure. Grouped entries had to a small extent lightened the work of the Pipe Roll scribe: no extension was practicable under the old, cumbersome tally system. The dividend tally saved work in the shires as well as at both Receipt and Audit. Instead of 972 tallies for total payments, given above, only one or two dividend tallies had to be cut. The particulars were entered on Receipt Rolls,[1] but work was saved in cutting and writing tallies, in distributing them locally, in pairing them at the Audit. The sheriff now only issued a private tally to the debtor, so that payment could be proved either in full county court, or next day at the *retro-comitatus*.[2]

At the Upper Exchequer, the discovery of this new form of tally had far-reaching results, since, for the first time, the grouped entry could really be used effectively. The combination of dividend tally and grouped entry relieved the congestion all round, and the latter began to throw out new forms. More and more debts were paid under grouped entries, the record of individual payments being made on Originalia, Estreat and Receipt Rolls. The system of marginal marks (*t.* for total payment, *p.* for partial, and *d.* for money still owing) were possibly now extended to the Estreat Rolls, though there is no indication of such a change until Henry III's reign. In theory every debt was still recorded on the Pipe Roll: in practice more and more were left on subsidiary rolls, the former containing merely a short grouped entry in the sheriff's name.[3]

[1] See entries beginning: "De eodem vicecomitis De X——" in *Receipt Rolls* 4, 5, 6, 7. Also *Archæologia*, 1925 (in the press) for an article on Tallies, by Mr. Jenkinson—under Rotulus Parcialium.

[2] *Eng. Hist Review*, XXXIX, p. 403. *Plenus Comitatus*, by Prof. W. A. Morris.

[3] The holders of liberties who answered personally for their debts at the exchequer had the same duties in their liberties as the sheriff had in the county.

In dealing with the summonses, we have now seen that the invention of the dividend tally, with improvements in the audit system, especially the grouping of debts under the sheriff's name without details and the system of marginal notes, have formed the first step in the direction of indirect responsibility, towards the interposition of the sheriff between debtor and crown, towards decentralisation in the collection of crown revenue.

On the other hand, the farm of the shire still remains in some respects an unsolved problem—one too which it is difficult to state clearly, because it is difficult to get definite evidence as to the exact components of the farm before 1236. After that date, the facts, at least in some shires, can be ascertained with certainty.[1] Before the Conquest, the crown lands apparently made payments in kind, which were presumably the agricultural produce of the royal desmesne : Doomsday Book furnishes some evidence of this.[2] Under Henry II was the farm still derived from this source ? Three possible sources exist. First, the king might receive the agricultural profits, either in money or in kind, that is profits from corn, cattle, and so on. Secondly, there would be the profits from manorial, hundred and county courts. Thirdly, he received certain fixed payments, in the nature of rent, including view of frankpledge, castle-ward, sheriff's aid. Were all these sources included in the farm under Henry II ? The *Dialogus de Seaccario* suggests that they were.

From 1236 onwards we have detailed particulars of the farms in the Particule Proficui. Though there are many gaps, sufficient rolls survive to show that they formed part of a series of annual rolls, going down at least to Richard II's time. At Cambridge Castle details of these annual payments were available for general reference at the beginning of the

[1] From the Particule Proficui, Lord Treasurer's Remembrancer's Miscellaneous Rolls, Bdles. 5, 6, and 9.

[2] Cp. Dr. J. H. Round, " The Domesday Survey," *V.C.H., Hants*, I, 401–2.

thirteenth century.[1] This list has a close connection with the Particule Proficui for these shires. The latter are the sheriff's accounts for farm and profits, and an entry at the end records the amount used to pay the farm, the residuum constituting the profits, unless the sheriff farmed the profits. Now these Particule Proficui prove that by 1236 agricultural profits were practically non-existent as part of the farm of the shire. They contain details of profits from hundred and county courts, and payments such as those referred to in section three above. They vary from shire to shire, but are fixed sums based on land tenure. Agricultural profits form a very small item in some counties.

There was a general re-appointment of sheriffs in 1236, the king retaining the ancient demesne in his own hands.[2] The odd thing is that, though this source of revenue was taken out of the sherriff's hands, the profits did not depreciate to any extent, the farm remained the same. The solution possibly lies in the fact that under John the demesne was largely granted out to individuals, allowance being made in the *terre date* in the farm. Though, in some cases, these lands were subsequently liable for fixed payments, they were not again paid into the farm of the shire. If this is so, then the farm had altered fundamentally in our period, though there is little evidence of this on the Pipe Rolls. Further, the exact nature of some of the items under section three above is unknown.

Now the increment and profits were clearly money left over after the sheriff had cleared his account on the farm. Under Henry II farms of shires were already fixed: Buckinghamshire alone paid an increment, namely £10 and three hawks: by 1199 seventeen counties were liable, the sum being over £780, an enormous increase in ten years. Under John the profits appeared, sometimes absorbing the incre-

[1] Mr. J. W. Clark, *Ecclesie de Bernewelle Liber Memorandorum*, pp. 238–81.

[2] M. Paris, *Chronica Majora*, III, 363; Exchequer Miscellanea 24/14; C.P.R. (1232–47), pp. 140–8.

ment, sometimes being additional to it. By 14 John the yearly value had risen to nearly £2,500,[1] twenty-one counties being liable. In addition, Nottinghamshire and Derbyshire were charged, but the amount was not entered on the Pipe Roll. Some fifteen shires paid in full, Yorkshire bringing up nearly £600, though it had paid neither profits nor increment in 1199. If John's exactions were often on this scale, they must have been an important factor in the baronial outcry against him. Though the value of the hundred and county courts may have increased, they can hardly have done it so rapidly, especially since the central courts were absorbing many cases which must previously have gone to these local courts. The exact position is obscure, but this was clearly an important grievance, for Magna Carta [2] prescribed that counties were to be at their old farms without any increment, except in the demesne manors [3]—a direct attack on the profits. The reference to demesne manors is puzzling, because these are just what were missing from the Particule Proficui. Yet under Henry III, when for a short time profits were dropped,[4] we find profits from demesne manors as a separate item on the Pipe Rolls—a fact which (with other evidence) suggests that they did not disappear from the farm until after that date. Whichever way we turn, profits and farm alike remain something of a mystery, presenting problems which have so far defied solution.

The history of the farm and of amercements arising from Henry II's legal reforms having been traced, it now becomes clear that new and irritating sources of revenue had been tapped by King John, the amercements being all the more irritating, because, though small in value, they were an unending series of pinpricks; and because the benefit derived

[1] Pipe Roll 58, below the Farm. Where more than one year is included, an average has been taken.

[2] Chapter 25. Cp. also Articles of the Barons, ch. 14.

[3] *Omnes comitatus, hundredi, wapentakii, et trethingii, sint ad antiquas firmas absque ullo incremento, exceptis dominicis maneriis nostris.*

[4] See p. 163.

from them had long been forgotten, when the amercement was levied. Moreover, the increase in the revenue from the farm must have seemed enormous at that date, and since the sheriff was normally drawn from the feudal ranks, the barons would be the first to realise this fact. The results are well known: Magna Carta was drawn up and sealed, war broke out, and after Henry III's accession, peace was made at Lambeth, September, 1217.[1]

II. In our second period (1215–17) the chief interest lies in the exchequer's breakdown, and in the effect of the war on the collection of the revenue. Pipe Roll 16 John, the last complete roll of the reign, records the audit of revenue collected in the exchequer year 1213–14, that is the Easter and Michaelmas profers of 1214. The exchequer had ceased work before June 1215.[2] Thus, the audit beginning in the autumn of 1214 was the last before the treaty of Lambeth. Here our records stop.

When the exchequer reassembled on 12 November 1217, three years' accounts required auditing, namely the years 17 and 18 John and 1 Henry III. During part of this time the exchequer was in the hands of Louis of France.[3] For these years there are extant both Pipe and Chancellor's Roll for the first half of 17 John, with, in the case of Hampshire, an account for the whole year and for the first half of the next, in that of Lancashire for the whole of 16 and 17 John.[4] The next extant roll is that for 2 Henry III. Hence for two and a half years the accounts are now missing. Were these ever enrolled? If so, when were they lost?

A careful analysis of Pipe Roll 17 John and of the first two Memoranda Rolls of his son's reign furnishes the solution of the problem. From internal evidence it is clear that this Pipe Roll, though it deals with the last half-year before the

[1] "Minority of Henry III," by Mr. G. J. Turner, in *R. Hist. Soc. Transactions*, N.S. XVIII, p. 267.

[2] M. Paris, *Historia Anglorum*, II, 156.

[3] *Minority of Henry III*, p. 288; Martène and Durand, *Thesaurus Novus Anecdotorum*, tom. I, 857.

[4] An examination of the farms gives the dates.

war, was not compiled until after the exchequer began work again in 1217. It cannot have been made up in John's reign. Conclusive evidence of this is found in the formula for the farms: in this year it runs, *de firma Comitatus de dimidio anno septimo decimo Regis Johannis*, or *de firma Comitatus de dimidio anno septimo decimo ante guerram*. The normal formula is simply *de firma* or *de firma de hoc anno*.[1] This change in itself implies abnormality, and assumes an interval between collection and audit. The reference to King John, according to Pipe Roll practice, proves him dead at the time of writing. Finally, the sheriff of Buckinghamshire and Bedfordshire paid part of his farm on this roll, owed £8 6*s*., paid it later, and was quit. But Pipe Roll 2 Henry III charged him with this sum, adding the note: "but now he is quit in the preceding roll of half the year 17 John." This proves conclusively that (*a*) Pipe Roll 17 John was the last roll before that of 2 Henry III, for *in rotulo precedenti* always refers to the last account taken; (*b*) *set modo quietus est* shows clearly that the two rolls were being compiled at one and the same time. Now the exchequer was in the hands of Louis of France until September 1217, and was not re-opened until Martinmas that year. Between then and Michaelmas 1218, a Memoranda Roll was compiled,[2] and it is possible that Pipe Roll 17 John was begun then.

From what has been said it is clear that the missing accounts were never enrolled on a Pipe Roll, and it has been assumed that no audit was taken. Does the evidence prove this? Memoranda Roll 1 shows that during the remainder of this year strenuous efforts were made to examine these missing accounts, special attention being paid to farms of shires and towns.[3] This effort, continued in subsequent years, was only partly successful. In some cases, however, not only were the accounts for all three years heard, but

[1] See under the farm of the county.

[2] K.R. and L.T.R., Memoranda Roll 1.

[3] Memoranda Roll, L.T.R., 1, ms.2–6; cp. also Pipe and Memoranda Rolls 2–8 Hen. III.

some accountants proved payment, while others, though lacking full proof, gave the names of persons to whom money had been paid. In other cases, attorneys were appointed to represent sheriffs at the audit. Yorkshire certainly rendered some account, possibly for all three years, though the details are difficult to follow. Several membranes of this Memoranda Roll show the position of town farms. These include Cambridge and Huntingdon, which claimed to have paid the whole [1]; of Norwich and Yarmouth, which had paid Hubert de Burgh's bailiff, who proved payment into the Wardrobe.[2] Other cases could be quoted. Thus, though accounts were only enrolled for six months, the rest were actually examined by the exchequer, proof of payment being given at least in some cases. Possibly an elaborate search might prove the account fairly complete, but the difficulty of the investigation would be very great.

The fact that no enrolment was made is easily explained. The country was in disorder; money, when paid, would go to the man in the neighbourhood sufficiently strong to enforce his will, whether rebellious baron, or faithful follower of King John; money once received would be immediately spent on necessities of war. But many barons changed sides on John's death: to demand a strict account of these would be most unwise, to require it from John's supporters even more so. Therefore, the account only being taken where practicable, no enrolment could be made, because, if it were, the exchequer would have to insist on recovery of money when proper expenditure could not be proved—an impossible proceeding. This being so, the Memoranda Roll was the obvious place of record.

Five subsidiary rolls, still extant, make the position clearer.[3] Of these, Exchequer Miscellanea 1/48, recently

[1] Memoranda Roll, L.T.R., 1, m.6. [2] *Ibid.*

[3] Exchequer Miscellanea 1/8, 1/8A, 1/48; Exchequer Accounts 505/2, Sheriffs' Accounts 52/1. L.T.R. Miscellaneous Rolls 1/5 proved to be part of L.T.R. Memoranda Roll, 3–4 Henry III. Cp. also Foreign Accounts, No. 1, m.3d, and Exchequer Accounts 505/13, found since this paper went to press.

discovered by Mr. Johnson among the unsorted Miscellanea of the Chancery, is a draft of William Briewere's account as sheriff of Hampshire for the first quarter of 17, the first half of 18 John, the whole being enrolled on Pipe Roll 17 John. Exchequer Miscellanea 1/8A (a peculiar record, part roll, part file) was compiled about 5 Henry III. Its form is rougher than that of the draft Pipe Roll. It deals with the debts of a number of people, sometimes still owing from the end of John's reign. Though it forms part of an attempt to audit these accounts, it has proved impossible to assign it an exact place in the scheme. The debts of the two Marshalls, father and son, and of Briewere's successor as sheriff of Hampshire in 1215 are included, but not the farms of the war years. A similar roll is Exchequer Accounts 505/2, dealing largely with Hampshire debts. The attempt to connect these subsidiary rolls exactly with either Memoranda or Pipe Rolls proved unsuccessful. This series of five rolls shows that problems existed with regard to the accounts at this time ; that special procedure was necessary to meet the peculiar position, which had arisen owing to the breakdown of the exchequer. Similar rolls do not exist for other periods.

Our draft Pipe Roll requires fuller treatment, because (*a*) it is unique, and (*b*) it is the draft of a peculiar account on a unique roll. Its existence does not imply that drafts were part of the usual procedure—rather the contrary. Fragments of early Pipe Rolls exist,[1] but they are fragments, not drafts. Our record is a single membrane, 17·3 inches long by 6·7 inches wide, completely covered with writing on one side, and having two four-line endorsements, the second of which is almost illegible. Handwriting and size prove that it could never have been part of a Pipe Roll. It corresponds closely with the enrolled account, but adds details not included on the Pipe Roll itself. If the intention was to draw up a draft to solve the problem of the missing accounts, the attempt was soon abandoned. The position of Hamp-

[1] Exchequer Miscellanea 1/1C, 1/2, 1/4.

shire gives additional importance to the discovery; the county had a close connection with the exchequer, of which William Briewere was a baron, and, when the draft was drawn up, Peter de Roches was sheriff of the county. This increases the probability of its being a preliminary attempt to solve the problem of the accounts. The original intention was to examine this record in detail, but this proved impossible, because the condition of some of the cognate documents is bad, but chiefly because our knowledge of exchequer technique in the early thirteenth century is not yet sufficiently advanced. We have, however, as a result of the attempt, obtained certain definite results, of which the most important is the position with regard to the audit of the revenue for the three years 1215–17. The gap in the Pipe Rolls is due not to the disappearance of the rolls, but to the fact that they were never compiled. It is significant that, in the circumstances, the exchequer was sufficiently powerful to insist on even a partial account. It wisely refrained from forcing the accountants to extremities.

III. Our third, and last, period shows that, simultaneously with the tentative audit of the war years, preparations were made for the normal collection of revenue in 1217–18. What difference had the struggle made? What changes were to take place in the next fifteen years? The story can be briefly told.

The machinery was already in existence for the solution of the problem which faced the exchequer, when it resumed its normal course. In the early years of Henry III, the volume of fines and amercements became so large, that the scribe abandoned the two-column arrangement, and, where possible, arranged the debts in solid paragraphs to save space. Other noticeable changes in the summonses were: (1) the increased number of grouped entries, due to the more frequent use of the dividend tally, and (2) the omission of the number of tallies issued [1]—an obvious result of (1), and

[1] The earlier formula was: "The same sheriff renders account of £x of amercements . . . whose names and debts and the causes are noted in

(3) changes in the form of the grouped entry.[1] These first appeared in 4 Henry III, and soon became normal, though the older form was still used. As the new form depended on the dividend tally, when the latter fell out of use in 7 Henry III, the former also disappeared. The Pipe Roll in this year shows a curious reversion to old forms: amercements are few, and there is a marked tendency to enter debts again under the names of individuals.[2] The next year this became more marked, even marginal notes being only sparingly used. In one grouped entry a hundred tallies were again cut. By 10 Henry III enormous blocks of amercements had replaced grouped entries, and as many as 347 tallies were again entered.[3] Throughout these rolls occasional examples of the new forms are also found. By 1228 the new forms referred to above were again in use, and from this point the movement went steadily forward. Now Pipe Roll 7 Henry III was begun at Michaelmas 1223, that of 12 Henry III at Michaelmas 1228, so that the period of reaction (if reaction it be) spread over roughly five years. It began about the date of the strengthening of Hubert de Burgh's power in 1223:[4] it ended approximately with the appointment of Segrave to three sheriffdoms—he had two more the following year—an appointment which anticipated Peter de Rivaux's *coup d'état* in 1232.

Though the clause forbidding profits of the shire was dropped in Henry III's reissue of the Charters, only profits from demesne manors, a quite separate item, appear on the Pipe Rolls at the beginning of his reign. As we have seen, the

the roll which [the justices] delivered into the treasury. [The sheriff] delivered it into the treasury in z tallies"; the new form: "The same sheriff renders account of £x of amercements of —— before whose names is placed the letter 't' in the preceding roll. He has delivered it into the Treasury."

[1] These are common on Pipe Roll 64 (4 Henry III). None apparently occur in previous years.

[2] Pipe Rolls 67, under Essex and Hertfordshire (m.4), Norfolk and Suffolk (m.6d.).

[3] *Ibid.*, 70, under Lincolnshire (m.4).

[4] Prof. Tout, *Chapters in Medieval Administrative History*, I, 191.

profits had increased in the quarter of a century before 1215 from £14 to over £2,500. When we remember this and the prohibition of all profits outside demesne manors in Magna Carta, their disappearance after 1217 becomes significant. From 5–7 Henry III, Buckinghamshire again paid the old increment, while only seven other counties made similar payments, the total being just over £220 as against £2,500 before 1215.[1] Thus, up to 8 Henry III, this provision of Magna Carta was observed, but a marked change came then : the profits were suddenly restored to their old place. In this year eighteen counties were charged with profits amounting to £650 for three-quarters of a year only, while ten other shires were held liable, but no value was given. This sudden restoration of profits on such a large scale is really startling. Now the nine months in question cover the period January to September 1224, an important fact, if the political situation is examined. Moreover, in nearly every county concerned, the sheriffs were newly appointed that year, many of them between Christmas and the end of January.[2] Hubert de Burgh, who must be held responsible for this change of policy, had been himself for some time sheriff of Kent, Norfolk, and Suffolk. It is difficult to bring out the closeness of the connection between these new appointments and the reappearance of the profits, but an analysis brings out the fact that it was really remarkable. Now Hubert de Burgh's position was steadily improving throughout 1223, he was the moving spirit in a large number of these new appointments, while his follower Richard le Poer, Bishop of Salisbury, replaced Peter de Roches as sheriff of Hampshire. In view of the part played by the latter's nephew, Peter de Rivaux, in 1232, it is significant that his seven years' disappearance from our history on his removal from the Wardrobe at the end of 1223 [3] should coincide so closely with this change of policy in regard to the profits of the shire, and with

[1] Pipe Rolls below Farm of the County.
[2] List of Sheriffs, and C.P.R. (1216–25) 417–21.
[3] Prof. Tout, *Chapters*, I, 191.

the return to the old form of grouped entry. It is easy to overstress the significance of these facts : on the other hand it is improbable that the coincidence in dates is purely accidental. In the summonses the change of policy apparently began a year earlier, but this is not really the case: the reaction began on the account audited in the year 1223–4, so that most of the audit would take place after the reappointment of sheriffs, after the removal of Rivaux from the Wardrobe. Now there is this important difference between the change in summonses and in profits : the money for the latter could only be collected after the change, in the case of the former the change lay not in collection, but in audit. This means that in actual fact both changes of policy occurred in the exchequer year 1223–4. This proves that Hubert de Burgh's acquisition of power had an immediate effect on exchequer policy, an effect which produced definite results on the Pipe Rolls.

The reaction ended about the year 1228, the new form of grouped entry being again introduced ; after 1232—the dividing line between old and new procedure—enquiries were held into the value of the profits. In June and July that year Peter de Rivaux seized most of the sheriffdoms in England, while nearly all the remainder were in the hands of Peter de Roches, Stephen Segrave, and the two stewards of the Household. A discussion of their policy is outside the scope of this paper, but the general results of work already done on the succeeding ten years must be briefly stated in order to bring the present paper into its true perspective. Peter de Rivaux's counties rendered account at the Upper Exchequer through the sheriffs who actually administered the counties under Peter, who could not render account to himself, as treasurer. Moreover, other local accounts for which he was responsible were also auditied.[1] The position at the end of the audit in 1233 was certainly not worse than in an ordinary year. In 1234, Peter

[1] Rivaux seems to have been in a much better position than Hubert de Burgh in this respect.

de Rivaux was banished from court, only to reappear in 1236, though he did not regain his old position. Now, between then and 1242 important reforms were introduced into the system of collecting the revenue, and a detailed study of Pipe and Memoranda Rolls suggests that these reforms were a direct result of the seizure of the sheriffdoms in 1232. The farther this investigation goes, the more clearly does this fact stand out: it is not obvious on a first examination of the rolls.

Thus, to sum up, Henry II's legal reforms, with the consequent development of fines and amercements, threw an almost unendurable burden on the exchequer. The solution of the problem was first the grouping of debts under the sheriff's name, secondly the invention of the dividend tally: the two combined led ultimately in the fourteenth century to decentralisation in the collection of debts. Meanwhile, there was a steady increase in the amount of farm demanded from the shire, the extra payment being known as the profits. Both processes played their part in the struggle over Magna Carta: they formed an important section of King John's extortions. About June 1215, the exchequer ceased work for two and a half years, but after Martinmas 1217, an effort, at least partially successful, was made to audit the accounts of these missing years. Between 1218 and 1223 the clause of Magna Carta forbidding the profits was carefully observed, the reforms in the collection of the summonses being increasingly employed. Then, with the growth of Hubert de Burgh's power, came a change in exchequer policy which lasted until 1228, during which period the profits were restored, reforms in the collection of summonses remained in abeyance. With the return of Peter de Roches and Peter de Rivaux in 1232, the reform movement again came to the front, a policy which led to the reorganisation of the shire accounts (1236–42)—a reform which once established formed the basis for their collection until the middle of the fourteenth century. Thus developments in exchequer procedure in the first forty years of the

thirteenth century are important, because in these years were laid the foundations on which was erected the later exchequer system—it is in these years that it obviously diverged from the rules laid down in the *Dialogus*.

THE EXCHEQUER YEAR

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Communicated June, 1925

1. The Year of Account

From the earliest times and for many centuries the year of account in the Exchequer ended at Michaelmas. The great roll of the Exchequer, or Pipe Roll, was made up to that period and until the fourteenth century bore the date of the regnal year in which Michaelmas fell. Thus the roll which was composed of the accounts for the twelve months ending at Michaelmas 1189 covered the concluding part of the thirty-fourth year of Henry II's reign, the uncompleted thirty-fifth year, the interregnum between Henry's death and Richard's coronation, and less than a month of the first year of Richard's reign: yet the roll is dated 1 Richard I. This rule has been frequently expounded,[1] but it is necessary to restate it since mistakes are constantly made, and even within the last few years a useful little handbook for students of history has been published which is, in this regard, certainly at fault.[2]

It will be plain that the rule has the advantage of simplicity. Once it is clearly grasped there is no room for mistake. But the mind of man is ruled by an uncertain

[1] See R. L. Poole, *Exchequer in the Twelfth Century*, pp. 152 f.; J. H. Round, *The Dating of the Early Pipe Rolls* in *English Historical Review*, xxxvi, 321 ff.

[2] J. E. W. Wallis, *English Time Books*, i, 83, after stating the rule correctly makes the first "Exchequer year" of Henry II *begin* at Michaelmas 1155, that of Richard I at Michaelmas 1189, and so on, and does not get right until Edward II. Richard III's "Exchequer years" provide a trap into which he again falls.

logic ; and to some minds or in some moods it seems absurd that we should appear to attribute to one king transactions that principally concerned another, to attribute, for example, to Richard the affairs of Henry or to one Edward the affairs of another. This may explain why, after two centuries or so, the old simple rule was discarded and a new rule was introduced. When Edward I died on July 7, 1307, he had completed seven and a half months of the thirty-fifth year of his reign ; and if the old Exchequer rule had been maintained his financial transactions during this period, so far as they were recorded in the Pipe Rolls, would have appeared in a roll bearing date 1 Edward II. But to some logical mind this seemed unreasonable ; and while the first Edward's body was resting at Waltham a roll was made up that bears his name and, though dated 35 Edward I, includes accounts for nearly three months of his son's reign.[1] Consequently the Pipe Roll of 1 Edward II covers nine and a quarter months of his first regnal year and two and three-quarter months of his second. And so we have henceforward a new rule, that a Pipe Roll bears the date of the regnal year to which the greater part of the period of account belongs. It follows that although Edward II completed more than half of the twentieth year of his reign (July 8, 1326, to January 20, 1327), and although the period includes Michaelmas, there is no Pipe Roll for 20 Edward II, and that, although Edward III's reign included but fifty Michaelmases, fifty-one Pipe Rolls bear his name. But the logic which gave the Exchequer this new rule broke down in face of the events of 1483 and 1485. Edward IV was gathered to his fathers on April 9, 1483, and after Edward V had reigned for a few brief weeks the throne was usurped by Richard III. The Pipe Roll made up at Michaelmas 1483, although covering only a little over three months of his reign, was, however, dated 1 Richard III ; while that made up at Michaelmas 1485,

[1] See Madox, *History of Exchequer* (Ed. 1769), ii, 174, note *s*, where the heading to the individual accounts is given.

and covering nine months of his second year and the two months of his third year, was dated 3 Richard III, although it was made up in the first year of Henry VII. We therefore have here, as in the case of Edward III, a reign to which are attributed more Pipe Rolls than there are Michaelmases: but in the case of the Pipe Rolls of Richard III there is an anomaly no rule can explain.

By way of parenthesis we may remark that those who seek to use the Pipe Rolls for historical purposes must bear in mind the shifts and changes of Exchequer practice in the matter of dating: and particularly must they remember two other things. The first is that a roll which bears a certain regnal date does not necessarily reflect the events of that regnal year: in the case of the earlier mediæval Pipe Rolls most of that year may be yet to come;[1] only in the case of Henry IV do the rolls cover at once a regnal year and an accounting year. The second thing to remember is that the accounts in the Pipe Rolls were not kept upon a journal system: they correspond in no way to day-books or cash-books, but they are really financial statements showing the charges against crown debtors at Michaelmas in each year. Moreover, it does not follow that, because a charge appears in a roll, the event that occasioned it took place in the twelve months preceding the Michaelmas at which the roll was made up. Charges are carried forward, often without any explanation and sometimes in a way to beget confusion. All this is, of course, perfectly well known, even to those with but a superficial knowledge of Exchequer accounting, yet nevertheless serious mistakes are not infrequently made by quite experienced writers who neglect such elementary learning.

At this point it may be well to say something of the method adopted in the Pipe Rolls themselves for connecting subsequent entries with earlier ones in those cases where a reference of the kind was considered necessary. The

[1] Dr. Round, *loc. cit.*, gives a number of instances where errors have arisen through ignorance or forgetfulness of this fact.

more ancient method of referring to rolls of earlier years seems to have been to reckon backwards from the current year, e.g. *in rotulo preteriti anni, tertii anni, quarti anni:* since the current year was counted as the first in the series, the third year by this reckoning is two years previously (or the year before last) by our reckoning, the fourth year three years previously, and so on, there being always a year's difference between the two modes of reckoning. References were similarly made to the *firma preteriti anni, tertii anni, etc.* That this method is actually the more ancient is, however, not quite so certain as is currently believed.[1] In 1161, for example, we have a reference to a *firma quinti anni,* meaning thereby a ferm due to be rendered by Michaelmas 1159;[2] while on the same membrane is a reference to a *firma sexti anni,* by which is meant, curiously enough, a ferm due by Michaelmas 1155.[3] Such entries betray a want of familiarity with the rule that the reckoning should be backwards, and it might be argued that the rule was a new one: but in the sole surviving Pipe Roll of Henry I the reckoning seems always to be backwards, and therefore, so far as our evidence goes, it supports the belief that this rule is the earlier.[4]

However, the rule was a difficult one to maintain, and later in the century it clearly began to go to pieces. Thus, in the roll of 1189 we find such phrases as "in XX Rotulo," "in XXVI Rotulo Regis Henrici II," referring

[1] Dr. Poole states (*op. cit.*, p. 153) that "the reckoning was always backward until the reign of John." Madox seems not to have noticed a change of practice before Richard I (*Hist. of Exchequer*, ii, 466). Hunter, however, states (*P. R.* 31 *Hen. I*, p. xi) that the practice of citing the regnal year although not in use in 1130 was "soon afterwards adopted": but he cites only an instance from the roll of 1201.

[2] *P.R.* 7 *Hen. II*, p. 17 = *P.R.* 5 *Hen. II*, p. 2. A similar entry is to be found in *P.R.* 9 *Hen. II*, p. 72: "de veteri firma VII^{mi} anni = *P.R.* 7 *Hen. II*, p. 19.

[3] *P.R.* 7 *Hen. II*, p. 15. A mistake having been made in copying into the roll of 1159 (*P.R.* 5 *Hen. II*, p. 64) the entry "de firma quarti anni de Rotelanda" from the roll of 1158 (*P.R.* 4 *Hen. II*, p. 136), the reckoning was thereafter a year out.

[4] Cf. Hunter *ubi supra.*

to the rolls of 1174 and 1180,[1] and this method of reference can be traced back at least to 1177 when "in rotulo XX" is found.[2] In the same period we have also the slightly different and older method of reference—"in rotulo XXIIII^{ti} anni," "in rotulo XXIX anni"—although simultaneously the system of backward reckoning was still followed in other entries.[3] In the thirteenth century the system of backward reckoning was abandoned.

It is hardly necessary to point out that the simultaneous employment of conflicting rules may give rise to confusion and that, if we wish to make use of any particular entry which refers to a past account, it behoves us to make quite sure of the system employed.

What advantage any of the three styles of reckoning possessed in the eyes of contemporaries is not clear. The method of reckoning backwards avoids attributing a roll to a regnal year, and so also does the method of giving each roll of any reign a serial number and referring to the twentieth roll or the twenty-sixth roll of Henry II. And we may note that this latter method was adopted by Alexander Swereford when he compiled the *Red Book of the Exchequer*. Thus he quaintly says of Richard I: "complevit autem idem Rex decimum ratiocinii sui rotulum sicque diem clausit extremum." Similarly the roll of 1188 is called by him the thirty-fourth and last of the reign of King Henry—"rotulus regni Regis Henrici XXX^{us} iiij^{us} et eius ultimus."[4]

The Pipe Rolls have been more used by historians than other series of Exchequer enrolled accounts, and of the Pipe Rolls those of the twelfth century. That this should be so is largely fortuitous, but inevitably any deductions which have been drawn as to the practice of the Exchequer have been based upon slender premises: for the Pipe Rolls tell but part of the story, and that story can be but imper-

[1] *P.R.* 1 *Ric. I*, pp. 130, 226. [2] *P.R.* 23 *Hen. II*, p. 1.
[3] *P.R.* 27 *Hen. II*, p. 48; 31 *Hen. II*, p. 188.
[4] *Red Book of the Exchequer*, pp. 9, 10.

fectly understood if we do not consult certain other series of enrolled accounts. Unfortunately the same care was not exercised in preserving other enrolments and our knowledge is consequently defective. But certainly from a very early date Receipt Rolls were made up in the lower chamber of the Exchequer. The earliest surviving fragment yet discovered comes from the seventh year of Henry II,[1] and it is possible that Receipt Rolls were kept as early as Pipe Rolls. On the other hand we have the evidence of the *Dialogus* to show that Issue Rolls originated much later; for when Richard FitzNeel was writing, the issues of the Exchequer were recorded by the primitive system of filing the writs authorising payments.[2]

From very early times there appear to have been two Receipt Rolls in every year, one for Easter term and one for Michaelmas term;[3] and when Issue Rolls appear they also are made up one for each of the two terms. Since the Michaelmas roll recorded all transactions between that feast and Easter, and the Easter roll all transactions between Low Sunday and Michaelmas, it will be understood that "term" is here used loosely; but Exchequer clerks themselves fell into the loose practice of calling the whole period in each case a "term," and it is certainly convenient so to do.

In the thirteenth century we find both Receipt Rolls and Issue Rolls made up on a journal system, the items being entered in chronological sequence. But it is only gradually that the methods of enrolment become regularised and precise dating becomes the rule. For long a system persisted of arranging, county by county, in several columns on sheets of parchment, certain receipts for each

[1] Printed, with facsimile, as appendix to *P.R. 2 Ric. I.* The P.R.O. reference is E.401/1: all similar references subsequently cited will be understood to be those of the present official classification.

[2] *Dialogus de Scaccario* (Oxford edition), pp. 82, 107. Tallies for payments made without writ were presumably filed also (*ibid.*, p. 88).

[3] Exceptionally perhaps for other periods also: see next note.

term ; [1] this analytical method, which breaks away from the journal system, was the lineal descendant of the method employed in making up the twelfth-century Receipt Rolls. Yet, for all that, it would seem, for reasons which will presently appear, that the most ancient Receipt Rolls were made up on a journal basis, although we have to wait until 1236 before we find a Receipt Roll that is precisely dated throughout ; [2] very shortly afterwards we find an Issue Roll similarly dated.[3]

So much by way of preliminary explanation. It is unnecessary to seek to trace in detail the evolution of the Receipt and Issue Rolls ; [4] all we need to know is their general relation to the system of Exchequer accounts.

A large fragment of the Receipt Roll for Michaelmas term 31 Henry II has fortunately come down to us, and it provides evidence enough of this side of Exchequer practice in the later years of Henry II. For the most part the entries are grouped, without date, under county and similar headings, presumably in the order in which the accountants appeared at the Exchequer ; but at the end a few entries follow which, differing from the main body of enrolments, have an indication of date. These last few entries are, clearly enough, those of the *medium tempus* when the Exchequer Court was not sitting. We find such entries regularly distinguished in the later Receipt and Issue Rolls. The importance of these entries in this particular roll consists in this, that they appear again in the

[1] A specimen was printed in translation by Devon : this consists of the Norfolk and Suffolk, and London and Middlesex, entries for Hilary term 17 Hen. III : *Issues of the Exchequer*, pp. 507 ff. The modern reference for the roll from which these extracts are taken is E.401/10*a*. A roll for Hilary term appears to be quite exceptional.

These analytical rolls appear to have been known as County Rolls, *Rotuli Comitatuum*, *Rotuli de diversibus Comitatibus* : cf. E.401/67, E.401/81, rolls of Michaelmas 1273 and 1277.

[2] E.401/12 : Michaelmas 21 Hen. III.

[3] E.403/1 : Michaelmas 25 Hen. III. As to the date of this roll see below, p. 179.

[4] Mr. Hilary Jenkinson's forthcoming paper in *Archæologia* will shed much light on the early Receipt Rolls.

Pipe Roll not of the thirty-first, but of the thirty-second year. What happened is plain. The sheriffs and other accountants who made payment in Michaelmas term were credited with such payments as though they had actually been made at Michaelmas: consequently these payments appear in the Pipe Roll of (in this instance) 31 Henry II. Payments made out of term are credited in the succeeding Pipe Roll.[1] That this was the practice we might have deduced from the *Dialogus* itself; but the evidence of this Receipt Roll is conclusive. It is a full and final demonstration that Michaelmas term in 31 Henry II meant to the Exchequer the term following September 29, 1185. No one who has used this Receipt Roll has been under any other impression; but the language which is sometimes used in speaking of the "Exchequer year" would lead one to suppose that Michaelmas term in 31 Henry II fell in 1184,[2] and it is well to be emphatic even at the risk of labouring the point.

Since Henry II dated his regnal years from December 19, and since certain out-of-term receipts are dated February 2 on this roll, it is evident that the roll continued to be used in the thirty-second year. Nevertheless, the roll was known as that of Michaelmas term 31 Henry II and did not receive a double regnal date. This is a matter of importance, for a very large proportion of the later Receipt Rolls (and equally the Issue Rolls) record transactions belonging partly to one regnal year which is ending and

[1] This Receipt Roll shows that the procedure was for the items to be totalled and audited; subsequent entries were then made under the heading "Et post predictas summas factas coram baronibus." In this instance, after the first summation had been made, a considerable number of items were enrolled: an opportunity, however, presented itself for a fresh audit of the whole and the first summation was therefore cancelled, new totals being entered on the roll. The heading "Et post predictas summas factas coram baronibus" was rewritten: three entries follow: one is without date and has not been identified on a Pipe Roll; the other two are dated "In Purificatione sequenti apud Templum" and appear in the Pipe Roll of 32 Hen. II. H. Hall, *Receipt Roll* 31 *Hen. II*, pp. 30, 31.

[2] Cf. Round, *The Dating of Early Pipe Rolls*, p. 333, and see below, p. 186.

to another which is beginning; but the conventional system of dating such a roll was not in later centuries the same as that followed under Henry II.

It is, of course, essential to get clearly in our minds exactly what the conventional date implies in any particular reign. Misconceptions have in the past led to much misdating.[1] A few examples will, however, make plain the system of dating employed from the thirteenth century onwards.

The Issue Roll of Michaelmas term 25 Henry III bears the title "Exitus de termino Sancti Michaelis Anno XXV^to^ incipiente,"[2] which is a compendious way of saying that this Michaelmas term was divided between the twenty-fourth year ending on October 27 and the twenty-fifth year beginning on October 28. No one who uses the roll with care is likely to make any mistake, for more than once it is stated explicitly in the summations occurring at intervals on the roll that it is from Michaelmas of the twenty-fourth year that the account begins. We know therefore that the first entry, which is dated "Monday after St. Michael," must be October 1, 1240.

The Receipt and Issue Rolls of Edward I are, as a rule, more precisely dated, as, for example, "de termino Sancti Michaelis anno regni regis Edwardi primo, incipiente secundo," and so forth. This method of dating leaves no room for mistake, but where only a single date is given it appears always to refer to the later year. The reason for this is not difficult to understand.

The Pipe Rolls were, as we have seen, made up from twelve-month to twelve-month, irrespective of the demise of the crown or of any dynastic changes that had taken place in the interval. The title of the roll might be affected but not the substance. The case was quite different with

[1] As, for example, in Devon's *Issues of the Exchequer* and *Issue Roll of Thomas de Brantingham*: *see* Sir James Ramsay, *Expenditure of Edward III* in *Antiquary*, i, 156, and T. F. Tout, *Chapters in Mediæval Administrative History*, i, 40–41.

[2] E.403/1.

the Receipt and Issue Rolls. At the end of a reign the current Receipt and Issue Rolls were closed and new rolls were begun for the new sovereign. Thus the first Receipt Roll of Edward I [1] is entitled "Rotulus Recepte de termino sancti Michaelis de tempore Regis Eadwardi filii Regis anno primo" and the first entry is Monday on the morrow of St. Edmund king and martyr (November 21, 1272). No business was done until November 29 "quia vacauit scaccarium per mortem Regis Henrici Tercii": nevertheless a fresh roll must be begun for the new reign and since the day of accession is Sunday, a *dies non*, the first entry must be the Monday following. Obviously this roll is likely to be known as that of Michaelmas term in the first year of King Edward, and in consequence the roll of the term beginning September 30, 1273, is likely to be known as that of 2 Edward and so on: it follows that where we find a single date it stands for the "incipient" and not for the "finient" year—to use the convenient phraseology of Madox.[2]

Knowing the rule that fresh rolls must be begun with a new reign, we should expect to find that for some terms there would be in each series two rolls bearing the names of two different kings, and therefore three rolls for the twelve-monthly period of account between Michaelmas and Michaelmas. This is exactly what we do find where a series of rolls is complete. Thus, for the twelve months ending on September 29, 1327, we have three rolls in each series: a roll of Michaelmas term 20 Edward II; a roll of Michaelmas term 1 Edward III; and a roll of Easter term 1 Edward III. If we examine the second roll in one of the series we shall find that it explains itself: it is entitled "Rotulus recepte de termino sancti Michaelis anno regni Regis Edwardi filii Regis Edwardi vicesimo finiente et primo regni Edwardi sui primogeniti incipiente," and the first entry is Wednesday, February 4, 1327.[3] Similarly

[1] E.401/64.
[2] *History of the Exchequer*, II, 174.
[3] E.401/267.

we have three rolls in each series for the twelve months ending Michaelmas 1377; but in this instance there are two rolls for Easter term—that for 51 Edward III beginning in normal fashion on the day after Low Sunday, and that for 1 Richard II beginning on June 29.

It was not the practice—or at least the general practice—to date the Michaelmas term rolls of Edward III by both the "finient" and "incipient" regnal year, and although a very brief examination must, one would have thought, speedily have revealed the true system of dating the rolls, the chronology became in course of time hopelessly misconceived.[1] It was supposed, for example, that a roll of Michaelmas term 44 Edward III was later than a roll of Easter term 44 Edward III, whereas the reverse is the case; and it was left to Sir James Ramsay to rectify the mistake so recently as 1880. But while the chronology was rectified the reason given for the rectification was hardly correct or, at best, insufficiently precise.[2] Room certainly was left for misapprehension and more recent writers have stopped short of a full understanding of the system of dating actually employed. It is still believed that in dating the Issue Rolls the Exchequer observed a chronology of its own. Obviously any system of terms based upon ecclesiastical festivals will conflict with divisions of time into regnal years: but because the terms observed in the law courts were sometimes punctuated by accession days, we do not imagine that the King's Bench or the Common Bench observed a chronology of its own. The convention by which the "finient" regnal year was dropped and only the "incipient" regnal year was used to describe a roll or define a term may be misleading, but, apart from this, there is no problem of any kind. Contemporaries, needless to say, were not misled, and they mentally added "incipient" to the bare regnal year.

[1] Already by the sixteenth century this was so: *see* the Calendar printed by Devon, *Issue Roll of Thomas de Brantingham*, pp. lxxxv. ff.

[2] *Antiquary*, i, 156.

This we can prove by a contemporary note which vouches an Issue Roll as evidence of a payment.

The Black Prince had pledged himself to make certain payments, one of which fell to be made at Michaelmas 1357 : a note on the bond records this payment " vt patet in pelle xiiij° die Nouembris anno regni eiusdem Regis xxxij incipiente." The reference is to the Issue Roll which began on September 30, 1357, that is the roll of Michaelmas term 31 Edward III " finient " and 32 Edward III " incipient " : there is no difficulty in finding the entry in question which has long been in print.[1] November 14, 1357, fell, of course, in Edward's thirty-first year ; but it was obvious to an Exchequer clerk, as it should be to us, that an entry of that date would be found in the roll for the period in which the thirty-second year began, and that is precisely the meaning of the annotation.

That the dating of the various series of Exchequer Rolls has created much difficulty is clear from the manifold confusions and misconceptions which have darkened the pages of history. It is essential to remember that the Pipe Rolls, however they may be dated, look back upon a period of account that is past : the Receipt and Issue Rolls look forward and are continued term by term until there is a change of sovereign when a fresh start is made. In any calendar year there will be only one Pipe Roll made up, and since the Pipe Roll is dated but by one regnal year, a good many regnal years have no Pipe Rolls credited, as it were, to them. Thus there are no Pipe Rolls dated by the regnal years [2] 20 Edward II, 14 Henry IV, 39 Henry VI, 49 Henry VI, 23 Edward IV and 1 Edward V. But for all except one [3] of these dates there are Receipt or

[1] *Facsimiles of National MSS.*, Pt. I, No. xxviii. ; Devon, *Issues of the Exchequer*, p. 168.

[2] For reasons quite apart from the Exchequer system there are no rolls for the last years of John and the first year of Henry III (*see* Miss Mill's paper read 14 May 1925).

[3] No Receipt or Issue Roll appears to have survived for 23 Edward IV, but this is a mere accident.

Issue Rolls or both of these: for, so long as Receipt and Issue Rolls are made up, a king cannot be defrauded of his fair share except by the ravaging hand of time.

In this learning there is no novelty; but it has not prevented the growth of the myth of the "Exchequer year," the myth of a chronology peculiar to the Exchequer.[1] For that the "Exchequer year," as it is ordinarily understood, is a myth, the facts set out in the preceding pages may serve to demonstrate. The "Exchequer year" can properly mean merely the period between one Michaelmas and the next, a period which at no time received any special designation or peculiar date, in the Exchequer or elsewhere. Understood in this sense the phrase is harmless and convenient, although it might save confusion if a new phrase, such as "the Exchequer period of account" were adopted.

2. The "Exchequer Year" and the Dating of Events

It is common ground that the period of account at the Exchequer was from Michaelmas to Michaelmas. Those who believe that this period was something more than an accounting period appear to have assumed that the date given to the Pipe Roll is the date, according to the chronology of the Exchequer, of the twelve months preceding the Michaelmas at which the roll was made up. Thus, to take an example we have already used, the period from September 30 to December 18, 1188, would, according to the normal use, be reckoned as 34 Henry II, according to this other use 1 Richard I: the period from December 19, 1188, to July 6, 1189, would be 35 Henry II by one reckoning, 1 Richard I by the other; the period from July 7 to September 3 belongs to no regnal year by one reckoning, to 1 Richard I by the other: and only for the days from

[1] Dr. Hubert Hall has drawn my attention to the calendar of regnal years from Henry III onwards entered in the *Red Book of the Exchequer*, pp. 1067 ff. This presents difficulties of its own, but in any case it supports the view that the Exchequer reckoned by the regnal year.

September 3 to 29, 1189, do both systems accord and regard this period as 1 Richard I. Let us freely admit that, although to our modern minds the existence of two such competing systems seems an absurdity, this is in itself no argument against its possibility. Swayed by religious motives which to us appear far-fetched, men abandoned the pagan convenience of reckoning from January 1 and chose to begin the year with days more in consonance with the dictates of piety—sometimes Christmas, sometimes the feast of the Annunciation. Christmas and Lady Day had at least the advantage of being fixed feasts; but men were content for centuries to date from the movable feast of Easter,[1] and our own King John reckoned his regnal years from the movable feast of the Ascension.

But whatever inconvenient systems might be adopted and made to serve the purpose of the current reckoning of years and days, nevertheless it would seem to be a practical impossibility to use the "Exchequer year" for this purpose: for unless endowed with the gift of prophecy no one could know the regnal date of the "Exchequer year" in which he was living until Michaelmas had come. Once Michaelmas had gone, those who used that method of dating would have to suspend judgment as to the date of the year until the next Michaelmas: this at least is true so long as the older method of dating the Pipe Rolls endured. After 1307 they might be in rather better case, for they would have tolerable certainty when six months of a regnal year had been completed between Michaelmas and Michaelmas: but even then violent political changes, as Richard III's Pipe Rolls teach us, might upset all calculations. These considerations seem to put out of court any suggestion that the "Exchequer year" was used for current dating: we should require evidence copious, direct, and indisputable, before we could believe that this method was employed.

[1] R. L. Poole, *The Beginning of the Year in the Middle Ages*, pp. 7 ff., 19 ff.

Much dating has, however, always been done in retrospect, and here the same difficulty of employing an "Exchequer year," if one were so minded, does not arise, wrongheaded as such a method may seem. A student using the Pipe Rolls for historical purposes, and not fully understanding the system of accounting, may, for example, easily attribute to 1 Richard I events that happened in the thirty-fourth or thirty-fifth year of Henry II: but to say that the student, even if he were a mediæval one, was dating by the "Exchequer year" would be to dignify a mistake. It is, however, just barely conceivable that for an inscrutable reason some misguided Exchequer official adopted a method the clean contrary of this and adjusted in retrospect regnal years to "Exchequer years," as we adjust mediæval reckonings of years to our modern reckoning which begins the year on January 1. But we cannot wantonly assume that this was done: we must demand clear and unmistakable evidence before we give our assent to such a proposition.

With these, perhaps wearisome, preliminaries we may proceed to examine some supposed examples of dating by the "Exchequer year."

Our first shall be one provided by Dr. R. L. Poole.[1] When some years ago he was discussing Richard FitzNeel's Dialogue concerning the Exchequer,[2] he quoted the opening words of the first book—"In the twenty-third year of the reign of King Henry II, while I sat at the window of the tower which is by the river Thames"—and he went on to say: "This gives the year ending, according to the Exchequer rule, at Michaelmas, 1177." The importance

[1] I use this example because it is convenient and well known: but I understand that this does not represent Dr. Poole's present view. I suspect that Stubbs originated the theory of dating by the "Exchequer year"; cf. *Gesta Regis Henrici Secundi*, II, lxx.: "The itinerant justices went their circuits in 1176 and apparently 1177, unless indeed it may have been that their visitation fell partly in the 22nd and partly in the 23rd year [*Note.*—The 22nd fiscal year would end at Michaelmas 1176.] of the reign, and so appears on the roll for both years."

[2] *The Exchequer in the Twelfth Century*, p. 8.

of the passage lies in this, that it is one of the few indications of date contained in the *Dialogus* : but since according to the normal reckoning Henry II's twenty-third year closed on December 18, 1177, all that is really involved is a matter of some eleven weeks, which are not, in point of fact, material to the question. It may, however, be pointed out that if the author of the treatise computed by the "Exchequer year" he could not have written as he did *before* Michaelmas 1177 : he must have dated in retrospect.

In a later passage in the *Dialogus* it is stated that Henry II "in termino Sancti Michaelis xxiiii anni regni sui" made a new rule for securing privileges granted to certain religious orders. Dr. Poole calls this new rule "a provision made by the King at Michaelmas, 1178," but it seems more correct to translate "in termino Sancti Michaelis" as Dr. J. H. Round does "in Michaelmas term."[1] If the twenty-fourth regnal year is meant, the term will begin on the morrow of Michaelmas 1178 : if the author is reckoning by the "Exchequer year" the term must presumably be the corresponding period in 1177. This Dr. Round has demonstrated with his wonted force and perspicuity : but having done so he has strangely erred.

Dr. Poole commenting upon the passage remarked that "either the composition of the work was not finished until after that date [i.e. Michaelmas 1178] or else the passage is a later insertion." Dr. Round, on the other hand, argues that if what the author meant was not Michaelmas 1178, but Michaelmas term of the twenty-fourth year by the "Exchequer rule" (that is October–November 1177), Dr. Poole's conclusion on the date of composition would be overthrown. In other words the book might have been finished by, say, December 1177. To those who have followed the arguments in the preceding pages it will be obvious that if Richard FitzNeel dated by the "Exchequer year" he could not have referred to Michaelmas term of

[1] *The Dating of the Early Pipe Rolls*, p. 333.

the twenty-fourth year until, at the earliest, Michaelmas 1178, because up to that date he did not know in what year would fall any day or term from September 30, 1177, onwards. Dr. Poole's conclusion on the date of the composition of the *Dialogus* is therefore unaffected whether we suppose the reckoning to have been according to the one rule or the other. This point is worth emphasising, for when so acute a mind as Dr. Round's fails to grasp the full significance of the supposed method of dating by the "Exchequer year" it is likely that many others will equally fail.

The second example we propose to examine is provided by the *Book of Fees* recently published under the editorship of the Deputy Keeper of the Public Records. On many of the documents there collected the clerks of the Exchequer wrote an endorsement noting the date of receipt. Occasionally they were guilty of ambiguity as when they dated by the feast of St. John without adding Baptist or Evangelist,[1] but with few exceptions the dating is precise and beyond doubt. For the most part no difference is occasioned, so far as the date of receipt is concerned, whether the years are understood to be regnal years or "Exchequer years," but there are cases where the application of the "Exchequer rule" would make a difference of a year. It is in one of these cases that the editor invokes the "Exchequer year" to resolve what appears to him to be a difficulty in dating.

Let us set out the facts. A general eyre was held late in the year 1218 and continued in some counties far into the following year. The editor supposes that the business was concluded by July 1219, which appears to be the latest date mentioned in the returns prepared by the justices for the use of the Exchequer;[2] and the returns

[1] *Book of Fees*, i, 73: "anno xiii" must in any case be a mistake: this mistake is repeated on p. 99.

[2] *Ibid.*, pp. 244–5. A reference on p. 285 to St. Margaret's day 3 Henry III implies that the justices were sitting in Lincolnshire shortly before that date, 20 July 1219.

for three counties were actually delivered in that month. But we should not jump to the conclusion that in all cases everything was neatly completed and done with by that time, since business begun at an eyre was not infrequently postponed or adjourned to some other occasion. Still, for our present purpose, we may concede the assumption made by the editor that the eyre had come to an end in every county by July 1219.

Our particular concern is with the return made by the justices whose commission included Cornwall, Devon, Somerset and Dorset. Incidentally we may note that the Bishop of Bath, the principal justice on the commission, held a manor, two half knight's fees and the advowsons of certain churches in Somerset, which came within the scope of the return required by the Exchequer; and we have the interesting spectacle of one justice producing his charters for the scrutiny of his fellow justices itinerant.[1] This incident suggests that occasionally the justices might find themselves in a situation of some delicacy. However, the return was in due course completed and, as the endorsement notes, the bishop himself delivered it at the Exchequer "die Martis proxima post festum Sancti Calixti pape anno quarto Regis Henrici filii Regis Iohannis." This date would usually be equated with October 20, 1220: but the editor finds a difficulty in believing that the bishop "retained the document for fifteen months after the termination of the eyre," and suggests therefore "that the clerk of the Exchequer who added the endorsement as to its delivery followed the peculiar reckoning of his own department, according to which the whole month of October, 1219, belonged to the fourth year of Henry III" or, in other words, that the date of receipt was October 15, 1219.[2]

Now this implies a very strange action on the clerk's part. If Sir Henry Maxwell Lyte is right, what happened was as follows. The eyre concluded in July 1219: the bishop delivered the return in the following October. The

[1] *Book of Fees*, i, 263. [2] *Ibid.*, p. 245.

clerk who received it did not, *ex hypothesi*, know what the date of the year was: so he waited until Michaelmas 1220 came round, and King Henry being still alive and securely on the throne, he made his endorsement twelve months or so after he had received the return. It is easier to believe that the business of the eyre dragged on much longer than the editor supposes, perhaps for the best part of two years. And it is by no means impossible that the bishop was extremely dilatory in delivering the return: the personal interest he had in it may even have contributed to the delay.

So much for the editor's own excursion in dating by the "Exchequer year": but there is no valid reason for selecting one endorsement rather than another, and in every case we shall find ourselves in difficulties of some kind. For example, the returns for Oxfordshire, Berkshire and Hampshire in this same eyre were delivered at the Exchequer "die Iovis proxima ante festum Sancte Margarete virginis anno regni regis Henrici tertio."[1] Whether we suppose this date to have been reckoned according to the "Exchequer year" or in the normal way, it must be equated with Thursday, July 18, 1219: but if we assume the former reckoning the endorsement could not have been made until Michaelmas 1219, more than three months after the returns were received. But, of course, the theory of dating by the "Exchequer year" necessarily implies that no endorsements were made until the next Michaelmas had come. We shall, however, get a much more curious result in the case of a document a few years earlier in date. On June 1, 1212, a writ was issued to the sheriffs calling for certain returns to be sent to the Exchequer "in crastino Sancti Iohannis Baptiste," that is by the 25th of the same month.[2] In most cases this demand was an impossible one to satisfy in so short a time. The return from the sheriff of Hampshire was received "in crastino octavarum Sancti Iohannis Evan-

[1] *Ibid.*, pp. 253, 256, 260. [2] *Ibid.*, pp. 52, 141.

geliste anno regis Iohannis XIIII°." [1] By the normal reckoning this is January 4, 1213, which means that the sheriff was more than seven months making a return that was demanded in twenty-four days. But if the "Exchequer year" is meant the date of receiving the return must be January 4, 1212, or nearly five months before the writ was issued.[2]

To the examples we have given it would not be difficult to add others from recent writers, but in no single case, so far as we are aware, has the theory of dating by the "Exchequer year" helped in the slightest to resolve problems of chronology. In any case the conclusion seems inevitable that the theory is not in accordance with the facts of Exchequer accounting.

[1] *Book of Fees*, i, 78.

[2] The editor equates the date with July 2, 1212 (p. 56), but this is due to a mistake in reading *Evangeliste* as *Baptiste*. If the date were the morrow of the octave of St. John the Baptist it would of course be July 2, 1212, by either reckoning. It may be suggested that other dates are equated inexactly, e.g. "in crastino Decollationis Sancti Iohannis Baptiste" (p. 139) is rendered July 2 (p. 60) instead of August 29; "die Sabbati proxima post octabas apostollorum Petri et Pauli" (p. 153) is rendered July 6 (p. 61) instead of July 7; "die Iovis proxima ante festum Sancte Margarete virginis" (pp. 253, 256, 260) is rendered July 25 (p. 245) instead of July 18.

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REPORT OF THE COUNCIL. SESSION 1923–1924.

The Council of the Royal Historical Society have the honour of presenting the following Annual Report to the General Meeting of the Fellows :—

In accordance with custom, the Council must begin by announcing with great regret the deaths of Officers and Fellows, past and present, the number of which is unusually large.

Sir Adolphus W. Ward, the late Master of Peterhouse, was our President from April, 1899, to March, 1901. He resigned the Presidency shortly after his election to the Mastership of Peterhouse, as he found that College and University business in Cambridge prevented his regular attendance at meetings in London. He retained, however, an active share in the work of the Society, and, till shortly before his death, was Chairman of the Committee for preparing the *Bibliography of Modern British History*. Of his eminence as a historian it is unnecessary to speak, and the personal charm of his presence and character made a lively impression upon all who were privileged to work with him.

The Society has also, during the past year, lost the invaluable services of Mr. H. R. Tedder, our Treasurer. In his sphere a Sir Robert Walpole of finance (the comparison will come home to historians), he was a tower of strength to the Society for the twenty years of his holding office. He struggled against increasing ill-health for several years, and on his death the members of the Council all felt the loss not only of a colleague but of a friend.

A. L. Smith, the Master of Balliol, eminent as scholar and as administrator; the Very Rev. Dean Rashdall, the wise and liberal theological scholar; and Maurice Hewlett, eminent in literature, were all, in their several and varied careers, distinguished members of the Society.

Among our American Fellows, Senator H. C. Lodge; J. K. Paterson, President of the Kentucky State University;

Dr. Scholz, President of Reed College, Portland, Oregon; and Dr. W. R. Thayer, Corresponding Secretary of the Massachusetts Historical Society, have all been taken from us. Commandant Weil, of Paris, died very shortly after he had been elected a Corresponding Fellow.

The Society has been represented at an unusually large number of meetings or conferences upon historical studies or for the commemoration of persons and events of historical importance. At the Anglo-American Historical Conference, held at the Institute of Historical Research in London, in July, 1924, the Society was represented by Dr. Hall. Mr. Temperley represented the Society at the Congrès International d'Etudes Byzantines at Belgrade, in April, 1924; Mr. William Miller at the Byron Centenary Celebrations at Athens, April, 1924; Dr. Seton Watson at the Seventh Centenary Festival of the University of Naples, May, 1924; Prof. L. C. Jane at the International Congress of Americanists at The Hague, in August, 1924; Professor Powicke at the meeting in Brussels, in May, 1924, of the International Committee to consider the place of the International Historical Congress of 1928.

The rooms of the Society have been used for meetings of the British Archæological Association, the Japan Society, the British Society of Franciscan Studies, the Canterbury and York Society, the Czech Society of Great Britain, the Huguenot Society, the Lingard Society, the Jersey Society, and the London Branch of the Historical Association.

A joint meeting has been held, as in previous years, between representatives of the Society and of the Historical Association.

On May 29, 1924, Professor H. Pirenne, the distinguished Belgian historian, delivered a lecture in the Society's rooms upon *La Draperie Flamande au Moyen Age*. All who heard it were equally instructed by his learning and charmed by his facility of address. It is a matter for great regret that as Professor Pirenne spoke largely without or beyond his notes, the lecture could not be printed as

delivered. On the evening of the same day the Society gave a dinner at the Holborn Restaurant. Professor Pirenne was the guest of the Society, as were the Belgian Ambassador and the Baroness Moncheur. The President, the Hon. J. W. Fortescue, was in the Chair. The usual toasts were honoured, and speeches delivered which were far from usual in their felicitous expressions and wide interest.

The Library has grown by the usual exchanges, and by the kind gifts of books from a number of Fellows and others, to whom thanks have been returned, severally, and are now generally repeated. Mr. R. A. Roberts has kindly given a bookcase, greatly needed. The Society would be very grateful for a handsome pair of bookcases to stand at the top of the first flight of the stairs.

Mr. Charles Johnson, M.A., F.S.A., and Mr. William Page, F.S.A., were elected as Auditors for the Fellows; Mr. A. F. Sieveking, F.S.A., as Auditor for the Council. After Mr. Tedder's death, Mr. Johnson was elected Treasurer, subject to confirmation by the Annual Meeting in February, 1925. Mr. Sieveking resigned his office as Auditor for the Council and was elected Auditor for the Fellows in place of Mr. Johnson. Mr. Chance was elected Auditor for the Council.

The Rt. Rev. Bishop Browne, D.D., D.C.L., felt obliged to resign his position as a Fellow, and was elected an Hon. Vice-President, a tribute due to his services to Anglo-Saxon and Early Church History and Antiquities.

At the Annual Meeting in 1924 the following Vice-Presidents retired in rotation, under By-law XVII: R. G. Marsden, M.A.; G. P. Gooch, Litt.D. In their places A. G. Little, M.A., F.B.A., and the Rev. Professor Whitney, D.D., D.C.L., were elected.

The members of Council retiring under the same By-law were: W. F. Reddaway, M.A.; D. A. Winstanley, M.A.; Professor H. G. Egerton, M.A.; G. T. Lapsley, M.A.; and A. Forbes Sieveking, F.S.A. The following were elected members of Council: J. F. Chance, M.A.; Miss Rose

Graham, M.A., F.S.A.; Mrs. Lomas; W. G. Perrin, O.B.E.; R. A. Roberts; Principal C. Grant Robertson, M.A., F.B.A.; and H. W. V. Temperley, M.A.

The following Papers and Communication were read in the course of the Session 1923–1924:—

"The Political Theory of the Indian Mutiny": A Reply to Mr. F. W. Buckler. By Douglas Dewar, I.C.S., and Professor H. L. O. Garnett, M.A., I.E.S., F.R.Hist.S. (November 8, 1923.)

"The English Province of the Order of Cluny in the Fifteenth Century." By Miss Rose Graham, M.A., F.S.A., F.R.Hist.S. (December 13, 1923.)

"The Anglo-Dutch Commercial Struggle in the Seventeenth Century." By Mme Inna Lubimenko, D. ès L. (January 10, 1924.)

"The St. Alban's Abbey Courts and Court Rolls." By Miss A. E. Levett, M.A., F.R.Hist.S. (March 13, 1924.)

"The English Expedition against San Domingo (1655) from Spanish Official Records." Communicated by Miss Irene Wright, F.R.Hist.S. (April 10, 1924.)

"An Episode of the English Rule in Gascony during the Thirteenth Century." By Miss E. C. Lodge, M.A., F.R.Hist.S. (May 15, 1924.)

The President delivered an Address at the Annual Meeting on February 14, 1924.

The Alexander Medal was awarded to Miss Grace Stretton, M.A., for an Essay on "Some Aspects of Mediæval Travel." Among the other Essays sent in several were of considerable merit; two of these were highly commended by the Examiners, and prizes in the shape of books were awarded by the Council to Mr. C. H. Williams, M.A., for an Essay on "The Judges and the Constitution, 1450–1485," and to Mr. B. R. Pearn, M.A., for an Essay on "The British Occupation of the Ionian Islands."

The above Papers with the Alexander Prize Essay and Mr. Buckler's Rejoinder to the Paper "The Political Theory of the Indian Mutiny" are printed in the *Transactions*, Fourth Series, Vol. VII. The Communication received from Miss Irene Wright, B.A., F.R.Hist.S., on "The English Expedition against San Domingo (1655)," and a Communication from the Rev. H. J. Chaytor, M.A., on "The Diplomatic Observations of a Spanish Ambassador to the Court of Charles II," will be printed in the next volume (XIV) of the *Camden Miscellany*.

In addition to the current volume of *Transactions*,

Volume XXXV of the Camden Fourth Series is now in the press. This contains a further instalment of the Series of Diplomatic Instructions, namely, Vol. I of France (1689–1720), edited by Mr. L. G. Wickham-Legg. Another publication in the press is a much-needed List of the Contents of the Transactions and Publications of the Royal Historical Society (1870–1924) and of the Camden Society (1840–1897), compiled by the Director.

A third volume of Diplomatic Instructions (Denmark, 1689–1789), edited by Mr. J. F. Chance, is in active preparation.

The Secretary reports that the total membership of the Society on October 31, 1924, was 786, including Ordinary, Life, Honorary and Corresponding Fellows. There were 224 subscribing Libraries. Of the Fellows, 10 were Honorary, 27 were Corresponding Members, and 103 were Life Fellows.

The annual subscriptions are received from Ordinary Fellows paying the present subscription, £2 2*s.*; from Fellows paying under the old Regulations, £1 1*s.*; from Members of the old Camden Society paying £1; from subscribing Libraries paying £1 10*s.* There are 60 Societies, British and Foreign, which exchange *Transactions* with the Royal Historical Society.

During the year 41 Fellows were elected and 9 Libraries admitted. The Society lost by death 25 Fellows, by resignation 11 Fellows, and 1 Library; 10 Fellows were removed from the Roll. There was therefore a nett loss of 5 Fellows and a nett gain of 8 Libraries.

The Treasurer reports: The accounts show that the income of the year exceeded the expenditure by £354 16*s.* 3*d.* This excess is due to the fact that certain decorative work and additional book accommodation which are much needed have been postponed to 1925. Allowance has been made for the sum owing to the printers for publications in hand but not yet issued. It has been considered wise not to alter the valuation at which the Society's investments stand in the book, namely, £1,542, although the current market value is £1,859.

ROYAL HISTORICAL SOCIETY.

1.—Income and Expenditure Account relating to the Year ending October 31, 1924.

Income.	£	s.	d.
Subscriptions of 1922 : 1 at 30s. £1 10 0			
„ 1923 : 6 at 30s. 9 0 0			
„ „ : 19 at 42s. 39 18 0			
£50 8 0			
Less amount estimated to be received in last year's accounts for subscriptions in arrear 35 0 0			
Subscriptions in arrear, received in excess of estimate	15	8	0
Subscriptions now in arrear estimated to be received	30	0	0
Subscriptions of 1924 : 9 at 20s. 9 0 0			
„ „ 222 at 30s. 333 0 0			
„ „ 10 at 21s. 10 10 0			
„ „ 593 at 42s. 1245 6 0			
	1597	16	0
Life subscriptions : 6 at £21 126 0 0			
Less proportion required by By-Law IX. to be invested (see Balance-sheet) 42 0 0			
	84	0	0
Dividends on Russian 4% Bond (Alexander Trust)	0	0	0
„ Consols	13	11	0
„ India 3½% Stock	24	8	4
„ Canada 3½% Stock	8	2	8
„ War Stock 5%	22	10	0
„ War Bonds 4%	6	0	0
Interest on Deposit Account at Bank	17	15	2
British Archæological Association	30	0	0
Historical Association	30	0	0
Royal Numismatic Society	50	0	0
Japan Society	123	8	0
Jersey Society	11	15	0
Lingard Society	8	8	0
Sundry small receipts	8	11	5
	£2081	13	7

Expenditure.	£	s.	d.
Publications : Printing and Distributing £519 5 3			
Editing and Indexing 8 8 0			
£527 13 3			
Less received from Sales 33 14 4			
	493	18	11
Salaries of Director and Assistant Secretary and travelling expenses of Hon. Secretary £457 17 9			
Wages 109 16 6			
	567	14	3
Rent of Premises, 22 Russell Square	170	0	0
Coal	25	9	0
Electric Light, Gas, etc.	31	2	2
Rates (Parochial, etc.) and Taxes	139	2	11
General Printing and Stationery	61	8	9
Library : Books, Periodicals, and Binding	63	18	6
Postages, etc.	33	16	1
Sundries (Petty Cash payments) including Telephone, Painting, Cleaning and Repairs	99	8	8
Insurance (Fire, National Health, etc.)	8	17	7
Monthly Meetings (cost of Refreshments)	15	7	4
Annual Dinner	13	5	8
Alexander Medal	3	7	6
Balance, being excess of Income over Expenditure for the year ending October 31, 1924, carried to Balance Sheet	354	16	3
	£2081	13	7

ROYAL HISTORICAL SOCIETY.

II.—Balance-sheet of Liabilities and Assets at October 31, 1924.

Liabilities.		£ s. d.
Life subscriptions required to be invested as Capital Account (By-Law IX.): amount brought forward from last Balance-sheet	£1962 0 0	
Proportion of Life subscriptions received in 1924 (see Income and Expenditure Account)	42 0 0	
		2004 0 0
[Represented by Consols, India 3½% Stock, Canada 3½% Stock, War Stock 5%, War Bonds 4%, and Cash on Deposit—see *contra*.]		
Alexander Trust Fund [Russian 4% Bond—see *contra*]		0 0 0
Subscriptions received in advance		24 9 0
Amount due to Printers for Works Outstanding		340 0 0
Balance, being surplus of Assets over Liabilities at date, viz., Amount brought forward from last year	£2200 10 10	
Add Excess of Income over Expenditure as shown by Income and Expenditure Account	354 16 3	
		2555 7 1
		£4923 16 1

Assets.		£ s. d.
Consols 2½%, £699 9s. 9d. valued at	£314 0 0	
India 3½% Stock, £900 valued at	500 0 0	
Canada 3½% Stock, £300 valued at	200 0 0	
Russian 4% Bond (see *contra*) cost £98 17s. 6d.	0 0 0	
War Stock 5%, £450 valued at	380 0 0	
War Bonds 4%, £150 valued at	148 0 0	
		1542 0 0
[The current market value of the above investments, omitting the Russian Bond, is £1859.]		
Cash at Bank: Current Account	£249 15 10	
,, Deposit ,,	1101 13 2	
Petty Cash Balance in hand	0 7 1	
		1351 16 1
Stock of Publications at Russell Square (value as insured)		100 0 0
Stock of Publications with Printer (value as insured)		500 0 0
Library (value as insured)		1000 0 0
,, Manuscripts (value as insured)		100 0 0
Furniture, etc. ,, ,,		300 0 0
Subscriptions in arrear estimated to be received (see Income and Expenditure Account)		30 0 0
		£4923 16 1

(*Signed*) Charles Johnson, *Hon. Treasurer.*

Auditors' Report.

The above Statement of Income and Expenditure and Balance-sheet have been prepared from the Books and Vouchers, and we hereby certify the same to be correct.

(*Signed*) J. Frederick Chance,
Wm. Page,
A. Forbes Sieveking,
} *Auditors.*

December 17, 1924.

ROYAL HISTORICAL SOCIETY.

(INCORPORATED BY ROYAL CHARTER.)

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WHICH EXCHANGE TRANSACTIONS WITH THE ROYAL HISTORICAL SOCIETY.

Society of Antiquaries, Burlington House, London, W.
Royal Society of Antiquaries of Ireland, 63 Merrion Square, Dublin.
Society of Antiquaries of Scotland, Queen Street, Edinburgh.
The Hon. Society of Cymmrodorion, 63 Chancery Lane, W.C.
Surrey Archæological Society, Guildford.
Jewish Historical Society, Mocatta Library, University College, Gower Street, W.C.
The University, Manchester.

HISTORICAL SOCIETIES ABROAD

WHICH EXCHANGE TRANSACTIONS WITH THE SOCIETY.

AUSTRALIA.

Royal Australian Historical Society, Department of Education Offices, Bridge Street, Sydney, Australia.

AUSTRIA.

Kaiserl. Akad. der Wissenschaften, Vienna.

BELGIUM.

Académie Royale des Sciences, des Lettres et des Beaux-Arts, Palais des Académies, Brussels.
Académie Royale d'Archéologie de Belgique, Rue du Transvaal 53, Antwerp.
Société d'Archéologie de Bruxelles, 11 Rue Ravenstein, Brussels.

CANADA.

Public Archives of Canada, Ottawa.
Toronto University.

CAPE OF GOOD HOPE.

South African Library, Cape Town.

CZECKO-SLOVAKIA.

Königl. böhmischen Gesellschaft der Wissenschaften, Alstadt, c. Nr. 562 Prague.

DENMARK.

Société Royale des Antiquaires du Nord, Copenhagen.

FRANCE.

Bibliothèque de l'Université de Toulouse, 2 Rue de l'Université, Toulouse, Haute-Garonne.
Revue des Études Napoléoniennes, 108 Boulevard St. Germain, Paris.
Société de l'Histoire de France, 60 Rue des Francs-Bourgeois, Paris.
Société de l'École Nationale des Chartes, 17 Rue de la Sorbonne, Paris.
Société des Antiquaires de l'Ouest, Rue des Grandes-Écoles, Poitiers.

GERMANY.

Notgemeinschaft der Deutschen Wissenschaft, 3 Schlosz Portal, Berlin.

HOLLAND.

Commissie van Advies voor Rijks Geschied-kundige Publicatien, The Hague.
Historisch Genootschap, Utrecht.

ITALY.

Reale Academia Lucchese di Scienze, Lettere ed Arti, Lucca.
Reale Academia dei Lincei, Rome.
R. Società Romana di Storia Patria, Rome.
Società di Storia Patria per la Sicilia Orientale, Catania, Sicily.

MEXICO.

Museo Nacional, D.F., Mexican Republic, Mexico.

NOVA SCOTIA.

The Nova Scotia Historical Society, Halifax, N.S.

PORTUGAL.

Academia Real das Sciencias, Lisbon.
Revista de Historia, Av. do duque de Avila, Lisbon. 112.3°

ROUMANIA.

Academia Romana, Bucharest.

SOUTH AMERICA.

Academia Nacional de la Historia, Carácas, Venezuela.

SPAIN.

Real Academia de la Historia, Calle del Leon 21, Madrid.

SWEDEN.

K. Universitets Biblioteket, Lund.
Kongl. Vitterhets Historie Antiquitets Akademien, National Museum, Stockholm.
The Royal Society of Antiquaries of Sweden, Stockholm.
The University, Upsala.

SWITZERLAND.

Allgemeine Geschichtsforschende Gesellschaft der Schweiz. Stadt Bibliothek, Berne.
Historische und Antiquarische Gesellschaft, Basel, Sonnenweg, 15.

UNITED STATES.

The American Jewish Historical Society, c/o A. M. Friedenberg, Esq., 38 Park Road, New York.
The Smithsonian Institution, Washington, D.C.
New England Historic-Genealogical Society, 9 Ashburton Place, Boston, Mass.
The New York Historical Society, 77 Street and Central Park West, New York.
The Historical Society of Pennsylvania, 1300 Locust Street, Philadelphia, Pa.
The Massachusetts Historical Society, Boston, Mass.
The Rhode Island Historical Society, Providence, R.I.
The Virginia Historical Society, 707 East Franklin Street, Richmond, Va.
The Maryland Historical Society, Baltimore, Md.
The Minnesota Historical Society, Saint Paul, Minn.
The South Carolina Historical Society, Charleston, S.C.
The New Jersey Historical Society, West Park Street, Newark, N.J.
The New Hampshire State Library, Concord, N.H.
The Connecticut Historical Society, Hertford, Conn.
American Antiquarian Society, Worcester, Mass.
Texas State Historical Society, Austin, Texas.
Illinois Historical Society, Springfield, Illinois.
Maine Historical Society, Portland, Maine.

The Council are not responsible for the accuracy of the foregoing list, but they request that any inaccuracy or omission may be pointed out to the Secretary, and that all changes of address may be notified to him, so that delay in forwarding communications and the Publications of the Society may be avoided.

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